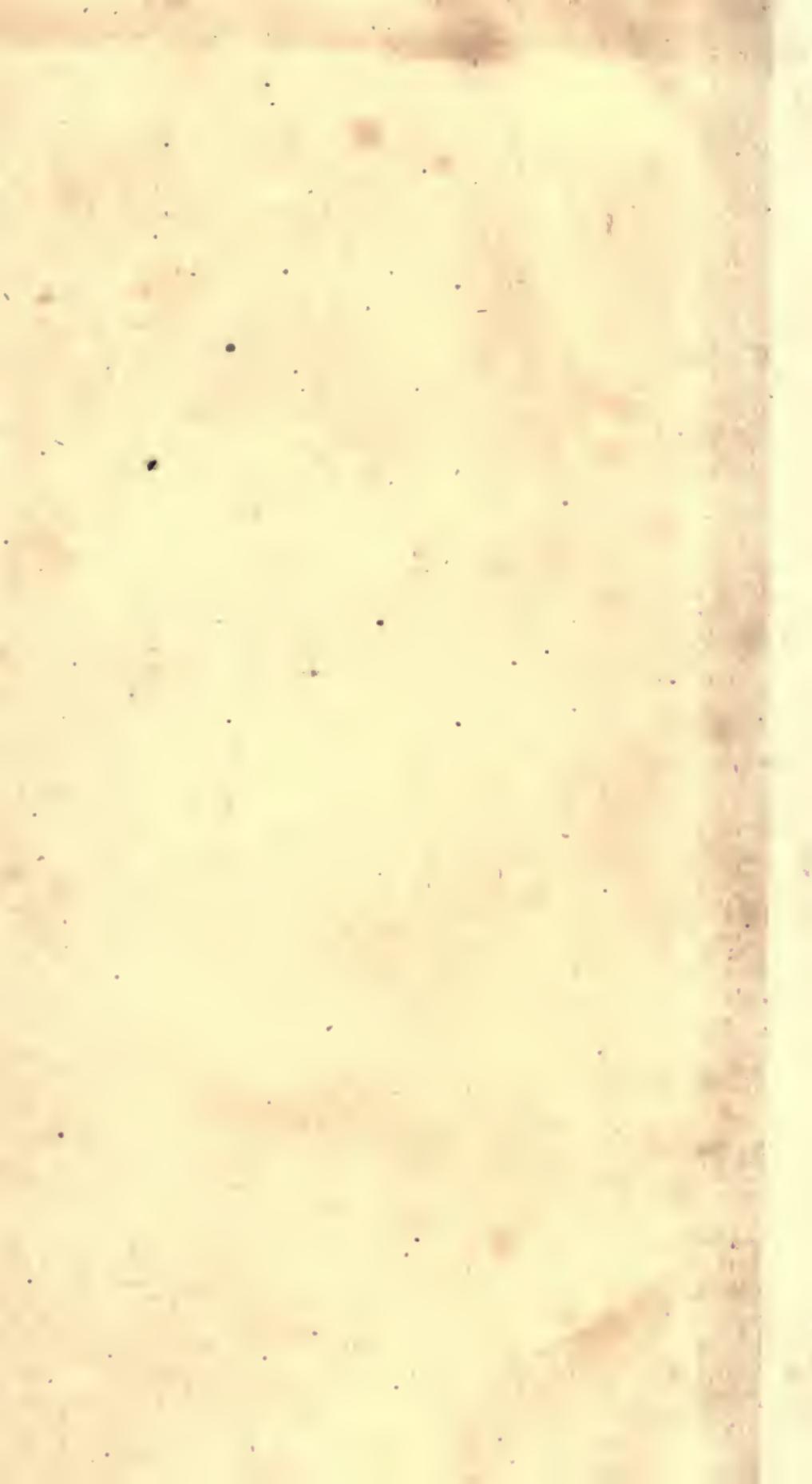


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THE

THE REPUBLICAN ;

ON,

A SERIES OF ESSAYS

ON THE

PRINCIPLES AND POLICY OF

FREE STATES.

HAVING A PARTICULAR REFERENCE TO THE

UNITED STATES OF AMERICA

AND THE

INDIVIDUAL STATES.

BY WILLIAM C. JARVIS, ESQ.

COUNSELLOR AT LAW.

“ But let us not neglect, on our part, such means as are
in our power, to keep the cause of truth, of reason,
of virtue and liberty alive.” *Patriot King.*

WCB

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PITTSFIELD :

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PREFACE.

THE following sheets, which have been the occupation of some leisure hours, may not contain anything new, or entertaining to the man of letters; if they contain nothing which is censurable, in the estimation of the critic and phylogist, the author will be satisfied.

In the present age little can be expected, of a novel character, in relation to politics: and such has been the state of party feeling, in this country, for years past, that any abstract disquisition of a political character, would have been but illly received.— Happily for us all, this state of excitement is now so far moderated, that the minds of men are prepared to examine, with coolness, moral and political truths, without associating with their tendency the fate of parties. Nay, men of sense seem willing to look back upon the past agitations and turmoils of the country; upon the conflicts of parties and opinions, with a view of discovering in what points the impulses of zeal have caused good and honest men involuntarily to aberrate from the path of right reason. At such a period, then, when the storm has subsided, and the sea has become calm and tranquil, we may venture out with our little barque, with less fear of disaster and shipwreck, than heretofore.

Discarding all party views, and being desirous of contributing a mite to the cause of truth and virtue

by the publication of this treatise ; we hope, at least, that our motives will escape censure. Indeed, when it is considered, that nations are happy or miserable, not so much on account of the favors of nature, as on account of the structure and administration of political institutions ; the rational mind will never disdain any publication, which serves to turn the attention of men to principles and truths, calculated to enlarge the stock of human happiness.

The author has seen, somewhere, a beautiful and pathetic observation of a French writer on the situation of Egypt : Here despotism, he says, with a sceptre of iron, oppresses the most beautiful country in the world : and it seems as if the misfortunes of the inhabitants were increased in proportion to the efforts, which nature makes to render them happy. Melancholy truths like this, evinced in so many parts of the globe, teach us, in this country, the value of our own political rights and privileges ; and increase the sense of obligation we are under, to transmit these blessings, unimpaired, to posterity.— Whatever, then, has a tendency to make us think, and reflect upon the best measures of perpetuating our political enjoyments, and of transmitting them, unimpaired, to our children, will ever meet with a candid reception, it is believed, from the patriotic and benevolent of all parties.

In this happy country, the farmer, the manufacturer, and the mechanic ; the individual concerned in the avocations of trade, and the mariner who ploughs the ocean for subsistence, have all a deep interest in the affairs of government. These respectable classes of the community, with us, are not

herded together like sheep, to tremble before the rod of a despot; they retain themselves the sovereignty; which they are obligated to use and delegate with intelligence and honesty.

Each individual, therefore, has a direct interest in acquiring some knowledge of the principles upon which government is founded; and in making himself acquainted with some of the prominent features of political economy. In making these investigations, he is bound to resist the impulses of party excitement, and to consider principles in the abstract, in order that his opinions may rest upon a sure and satisfactory foundation. But it would be difficult, if not impossible, for the generality of men to find time sufficient to wade through all the writers, and commentators, that treat of the principles of government, and the science of politics: A short treatise, therefore, calculated to induce men to think, rather than to read, upon subjects of this kind, will never be amiss, either in the hands of the young or old.

A course of reflection like this, has suggested the idea of the imperfect publication, which is now, with great diffidence, submitted to the public: and if it should be the means of inculcating one correct sentiment, or of confirming one liberal principle, in the mind of an American citizen, the author will be amply paid for the risk to which he subjects himself, in submitting to the public eye, his own desultory thoughts and reflections.

In what follows, we have not aimed to establish visionary theories, after the manner of many great philosophers; we have taken man as he is, and en-

deavored to obtain a glimpse of the true foundations, of his rights and obligations. In doing this, as well as in the views presented of the more considerable features of the civil administration of our government, we have called to our aid such historical illustrations as have occurred; and have taken also for our guides, some of the most approved writers upon the principles of natural law, and political affairs.

We have not, however, written to instruct those, whose heads have grown grey in the service of their country; nor intended to dictate to the learned and the wise. Our civil, military, and naval officers, will receive nothing, which is written here, in relation to them, in character of precept or advice: but the distinguished and conspicuous characters of our country, will not be disposed to censure any thing which has a tendency to lead others to form liberal and correct opinions, in relation to their motives and conduct.

With that numerous class of community, who pursue the private paths of life, without making pretensions to learning, I wish to hold brotherly communion: and those of them, who may read the following essays, will reflect and judge for themselves, how far the views which they present, coincide with their own, and are calculated to promote the happiness of our common country.

To the school-boy, also, who may take pains to turn over these leaves, I can sincerely express a wish, that he may read this book, as he ought to read all others; not with a view of adopting or rejecting, entirely, the sentiments and opinions it contains; but with a view of examining how far they

may be usefully applied, in the discharge of his future duties, as a man and a citizen.

With these observations, the author consigns the succeeding essays to the press ; but not without experiencing a return of that solicitude, which has been the constant monitor of his labors : a solicitude, which, while it has excited, has always embarrassed his literary pursuits ; and which prompts him now to pray, that this book may produce no injury to the cause of truth, morality, and liberty.

Pittsfield, (Mass.) April 1, 1820.



L. G. Leinster.

THE REPUBLICAN.

PART FIRST.

PROEM.

THE Emperor Solyman had, in his seraglio, a beautiful female Circassian, who, for a long time, retained the undisputed possession of his heart. During the triumph, which love gave her over the affections of the Sultan, she brought him a son, who was called Mustapha. For this child the Turkish Emperor cherished a lively affection, until the arts and intrigues of another mistress, converted the paternal feelings of the father into hatred and seated revenge. Roxalana, a Russian slave of the Harem, who supplanted the fair Circassian, in the affections of the capricious monarch, was a woman, not only of singular beauty, but of remarka-

ble talents and address ; and while her dominion lasted, she added to the progeny of her royal paramour four sons and a daughter. Cherishing a natural regard for her own children, she dreaded the elevation of Mustapha to the throne of the Ottomans : fearing, that with the commencement of his reign, would end the lives of her own offspring. She, therefore, meditated his destruction ; and by procuring Rustan, the Grand Visier, to marry her daughter, she enlisted him, as an accomplice in her detestable project. By various arts, this insinuating woman induced the Emperor to manumit her, and to raise her from the humble condition of a slave, to be the lawful partner of his bed and throne. This point being gained, neither she or Rustan left any arts untried, to excite the prejudices of Solyman against Mustapha. As the youth had no vices, his virtues were turned to his disadvantage ; and the amiable and excellent young man, was incessantly represented to the monarch, as being remarkable for his talents, his fascinating manners, and virtuous habits of life. His popularity among the soldiers and people, was mischievously magnified, and allusions were made, as if by accident, to the rebellion of Selim,

the father of the Sultan, against his grandfather Bajazet. At length a correspondence was suggested, as existing between Mustapha and the Sophi of Persia, the mortal aversion of the Turkish Emperor.

These machinations alarmed the Sultan; and fear, which always haunts a despot, made him tremble for the security of his throne and person, while he revolved in his mind the horrible scheme of destroying his son.— These unnatural reflections were matured into settled determinations, by additional arts; and the Emperor being so far imposed upon, as to believe, that Mustapha had determined to wade to the throne, through the blood of a parent, resolved, with a blow, to extinguish the source of his fears, and the object of his hatred.

Accordingly, he sent orders to have Mustapha brought to his tent; the summons was readily obeyed by a son, who, though apprised of his father's displeasure, reposed in the consciousness of his innocence.— When he arrived at the pavilion, he found all stillness; but, the immediate presence of four mutes, forewarned him of his fate: and he exclaimed, in the accents of despair: lo my death! He resisted, with vigorous ef-

forts and loud cries, the attempts of his assassins ; begging that he might be permitted to see his father. The Emperor, who was secreted in an adjoining compartment of the tent ; fearful, lest the cries of his son might prevent the execution of his bloody purpose ; drew aside the curtain which concealed him ; and thrusting through the opening a face expressive of fear, rage and revenge, chided by his looks, alone, the tardy executioners. Mustapha, at sight of this yielded without another struggle, his neck to the bow string ; and died untried, unheard : the innocent victim of despotic fear. (a)

This is but one among a thousand pictures, which represent the fears and horrors of despotism : and every one must perceive, that under governments where such abominable wickedness can be perpetrated, with impunity ; ignorance must be safety, and virtue and knowledge must be destruction. Under such a government, superstition is encouraged, every generous and liberal sentiment is suppressed, and fear is universal. It is treason to inquire into the foundation of the regal authority ; and nothing can be more

(a) See this story, as related more at length, by Dr. Robertson, 3 Vol. Charles 5th.

impious, than to deny to the Sultan the attributes of the Divinity. But all this is necessary to enable one man to rule the million, with arbitrary and unlimited sway. And this will be more or less the case, under every form of government, in which the people do not participate. But when mankind dissolve the fetters of fear and ignorance, and assert judiciously the right of participating in the government of themselves ; truth with her mirror, dispels the clouds of superstition, and wisdom cooperates with strength to break in pieces the chains of slavery.

At such a period, mankind begin to inquire after their natural rights ; and into the true foundations and end of civil government. The precarious nature of natural liberty, is maturely considered, as well as the dangers of absolute despotism. And the people, having their own interest in view, proceed to institute government, upon principles calculated to promote their security and happiness.

Such was the course pursued by the people of this country, in forming the several constitutions, so happily established among us.—And it is the duty of all, interested in

their preservation, to make themselves acquainted with the great principles upon which they have been established.

In doing this, we are only pursuing inquiries, conducive to our own happiness, without disturbing the repose of other nations and governments. And while we thus endeavour to preserve the blessings of our own civil and political institutions, our share will be done, in the work of promoting human happiness. Should philanthropy prompt us to go beyond this point, and induce us to propagate our political principles among other nations, we may defeat our own purposes, and be casting seed upon soils, not prepared to receive it, which may produce nothing in the end, but briers, and thorns, and jungles.

Under the influence of these views, in the essays composing the first part of this treatise an attempt will be made to explore some of the truths and principles, which are the moral foundations of a republican state; and with these we shall endeavour to connect some notions of the nature of our own political systems, and of the rights and obligations incident to them.

ESSAY I.

OF THE NATURE OF MAN.

IN every enquiry concerning the nature of government, it is proper to begin by an examination of first principles: and it will not, therefore, be amiss to bestow a little attention upon the nature and character of the human animal, for whose use and advantage human government is instituted. In truth, before we can form any correct notions of civil institutions, we must possess some knowledge of human nature: for it will be impossible to judge, with propriety, of the fitness of human laws, unless we make ourselves acquainted with the nature, wants, and rights of the individual, for whose advantage they are promulgated.

Man is remarkably distinguished from all other animals, by the variety of his bodily, and the superiority of his mental faculties. His wants, particularly when he is placed in unrelenting and inhospitable climates, are numerous and urgent; but his capacity to supply them, is found in the superior resources of his mind. All animals, excepting those of our own species, are, by the Divin-

ity, provided with necessary external protection against the inclemency of the seasons : the lion and the lamb, in this respect, share alike the benevolence of Heaven. But, man is placed naked upon the earth, and compelled to seek, in the resources of his mind, for those supplies, which nature furnishes gratuitously to other animals.

The materials of comfort and enjoyment are, indeed, scattered wide before us, but our mental powers must be exerted, before the spontaneous bounties of nature can be converted to the adequate supply of our wants. In the rudest states of human existence, man must project a plan to ensnare the wild beast of the forest, in order to supply himself with a garment. To this end, the arrow must be sharpened, and the bow formed, or the insidious pit be prepared, to bring within his power his destined victim : and even after this is accomplished, instruments must be invented, to separate the skin from the carcase, or else the triumph of man would be bootless. (a)

(a.) See Cæsar's description of the dress of the Suevi.
"Atque in eam se consuetudinem adduxerunt, ut locis frigidissimis neque vestitus, præter pelles, habeant quidquam."

Commentaries.

Tacitus Manners of the Germans, Sec. 17th.

Even in the more advanced stages of society, nature but presents the trees of the forest, and the marble, and the metals of the earth to the human eye ; imposing upon human intellect, and human hands, the task of converting them into mansions of elegance and comfort. Nay, more : the ocean is spread before us wide and agitated with storms ; but it is our task to convert the rudest materials of the earth into arks of safety, in which we may traverse the deep, deriding the tempest, and making the very winds subservient to our purposes. (b)

But, what distinguishes man, preeminently, from all other animals, is his ability of improving himself, by the wisdom and errors of his fellow-creatures. His own knowledge, and intellectual acquisitions, by the powers and modifications of language, he is able to communicate, not only to his contemporaries, but to his posterity : and thus,

(b) *Illi robur et æs triplex
Circa pectus erat, qui fragilem truci.
Commisit pelago ratem
Primus, nec timuit præcipitem Africum
Decertantem Aquilonibus,
Nec tristes Hyadas, nec rabiem Noti.*

Horat. lib. 1. Od. 3.

not only his own, but after generations, reap the advantages of his mental acquirements. Rude and unlettered barbarians laid the foundations of that prodigious empire, which, in the course of human improvement, in the age of the Antonines, astonished and delighted the world of mankind ! Yes ; the rude furrow of the plough, circumscribed the limits of that city,

“ From whence the race of Alban fathers come,
“ And the long glories of majestic Rome ! ”

But man is not alone distinguished by a capacity to improve upon himself : he has been wisely subjected to the influences of his passions, and made the creature of action. Agitated by his feelings, he yields alternately to the dominion of hope and fear : at times we behold him subjected to the impulses of revenge, but again we perceive the finer emotions of love and gratitude, predominating in the human breast.

Amid the conflicts of passion, reason asserts her empire ; and the collisions of the heart yielding to the dominion of the mind, render man the creature of action and reflection. Thus are the sails of life filled, and thus the rudder of the understanding, guides the human barque down the stream of life.

Between the sexes, nature has implanted the seeds of the most amiable affections, and she has given the female part of our race a sufficient equivalent, for its natural dependence upon man, in the lasting victory obtained through the instrumentality of love. The ties and affections, which unite the sexes, are not transient and ephemeral ; they are still more and more confirmed by age, and an interchange of kind offices : the children which surround us, add a charm to social enjoyment ; give duration to the union of their parents ; and spread out the foundations of society.

In solitude man is nothing, but in society he is every thing. Alone in the forest, or the desert, he flies from imaginary dangers : but how great is the difference, when he walks forth in the city, which is replete with the monuments of his courage, his wisdom, and his knowledge.

In the progress of society, and in the course of human improvement, man has not been content with this world alone : his enterprising spirit has soared above the clouds, and wandering among the luminaries of heaven, has ascertained their courses, and the laws by which they exist and move, through

the vast regions of space. Who, but man, has contemplated the existence of a God ! and who but he, has transported his mind beyond the confines of the grave, into realms of perennial bliss ; or darted into the abysses of punishment, and beheld, under the lash of divine justice, the wretch, who has deliberately offended Infinite Benevolence, by intentional disobedience to the commands of God, and voluntary aberrations from the paths of right reason. Surely a being, such as man, possessing such powers of mind, and susceptible of such vast improvement, was never designed to be a slave to his fellow ! Let us rather believe, that he was born to break down, and tear in pieces, every obstacle to his moral and intellectual improvement, and to refine and exalt himself, in the scale of intelligent existences : thus approximating himself, in a degree, towards that Infinite Intelligence, which presides over the universe.

ESSAY II.

ON THE NATURAL RIGHTS OF MAN.

HAVING glanced at the nature of man, let us now view him, for a moment, in a state of nature.

The natural state of man, as contra-distinguished from the civil state, may be represented as that, in which he neither governs his fellow-creatures, nor is governed by them: it is a state of perfect equality and independence, resulting from a general equality of bodily strength, and mental capacity. (a) In a state of nature, however, where we suppose an absence of all civil regulations, man is not without his rights; and those which are possessed by him, in his natural condition, are denominated the natural rights of man.

By nature, man is inspired with the strongest desire of life and happiness; and these desires being common to all men, disclose

(a) Vide Locke on Gov. Book 2d. Chap. 2d. Hobbs de Cive. ch. 1, Sec. 2d.

In a state of nature, the general equality of bodily strength must be much more apparent, than in a state of civil society. Vide Tacitus Manners of the Germans, 4 Sec. See Gibbon's account of the pastoral manners of the Scythians and Tatars, Decline and Fall Rom. Emp. 3 Vol. 314.

among them an uniform, and universal spring of action. As by nature, all men are endowed with nearly the same faculties of body and mind, which were wisely bestowed to enable them to fulfil the destinies, which a benevolent Providence has assigned them ; the free exercise of these faculties, is indispensably necessary to promote the objects and purposes of their existence. Indeed, nothing can be plainer, than that every man's actions and labours are his own, and at his own disposal ; and that he has consequently a right, innocently to appropriate and dispose of them, in such a manner, as will most effectually subserve his laudable desires and inclinations.

No one will, for a moment, dispute the natural right of man to preserve his life : and whoever considers his nature and character, will not hesitate to acknowledge the strong obligations he is under to improve and cultivate himself, and to consult, not only his own safety and happiness ; but that also of his children. But this cannot be done, unless we are at liberty to make use of the faculties, which God has given us.— And, hence if we have a right to life, we have, consequently, a right to liberty, in or-

lder that we may make the best use of life.

This freedom, which we inherit by nature, consists only in a liberty to do right ; but never to do wrong. All men, by nature, being precisely equal in point of rights, no one has any prerogative to interfere with those rights of others, which equally appertain to each individual. In a word, each one must exercise his own rights innocent-
(b) ly, and none can wantonly deprive us of that liberty, which is essential to the enjoyment of our faculties, and the perfection of our natures. From this it follows, that all men have a natural and equal right to life and liberty, in respect to their fellow-mor-tals.

As we are free to direct, and appropriate our labours and actions, in the innocent pur-suit of our happiness, and the perfecting of our natures ; we perceive, arising from this foundation, the rights and obligations in-re-lation to property.

In the beginning God gave to man “ do-minion over all the earth, and over the fish of the sea, and over the fowl of the air; and over every living thing that moveth upon the earth.” This explicit gift of the Al-

(b) Locke, book 2. chap. 2. Puffendorf, book 2. chap. 2

mighty, was made in common to mankind, and communicated to no individual any exclusive right to any of the vast property, ceded in common to the human race. Indeed, mankind have frequently enjoyed property upon the principle of this beneficent donation: a community of goods and possessions, having been common, among pastoral and uncivilized nations. But the introduction and use of agriculture has, heretofore, gradually suggested to mankind the necessity and advantage of separate possessions; and it is the true foundation of such possessions, which we aim to elucidate.

Notwithstanding the diversity of opinion, which has existed among the learned, in relation to the true foundations of property; we apprehend, that Mr. Locke, after all, is in the right. "The labor of a man's body," says this writer, "and the work of his hands, "we may say are properly his. Whatsoever, then, he removes out of the state that "nature hath provided and left it in, he hath "mixed his labor with, and joined to it "something that is his own, and thereby "makes it his property." (c)

If, therefore, in the state of nature, I fall

(c) Locke on Gov, book 2, chap. 5.

the untouched and unclaimed tree in the forest ; or cultivate, or inclose a tract of land lying unclaimed, upon the bosom of nature ; the tree or the land becomes mine : because, having mingled my labor with these subjects, I have in consequence of it, a higher degree of title to them, than any other human being.

A title to property could not have been, originally, derived from a possession, merely constructive, and unconnected with any act of labour ; notwithstanding, a doctrine of this kind may favour the projects of avarice and ambition. The true and rational foundation of property is labour : and of this opinion seemed to be the Patriarch Abraham, when he solemnly asserted his right to a well because he had digged it. (d)

Men have, therefore, a natural right to life, liberty, and property, as against their fellow mortals ; and these rights, which they possess, are either alienable, or unalienable : that is to say, they are either such, as may be parted with or renounced, or such, as men have no moral right to dispose of.

In the prosecution of this inquiry, an attempt will be made to explain, in the first

(d) Genesis, 21 Chap. Dwight's Theology, 1 Vol. p. 15.

place, the nature of those rights which are unalienable: and this being done, a few remarks will be made, in relation to the alienable rights of mankind.

Perhaps, it may seem paradoxical, that a being, perfectly free, can possess rights, which he has no power to dispose of to others; yet, so is the fact, in regard to mankind. A right understanding, therefore, of this matter is important to us, as it contributes to display more clearly, the just basis of civil authority.

Our lives, it has been remarked, are our own, in respect to our fellow mortals; but they are not our own, in respect to God.—As man has no power to create life, so he has no power to take it away or destroy it: and of course, he cannot grant to others a power, which does not appertain to himself. The individual, therefore, who is condemned to death, in civil society, for a crime, is not executed in virtue of any consent, either expressed or implied, on his part, but the justice of his sentence rests altogether, upon the natural rights, which men have to defend themselves from injuries. (e)

(e) Burlemaqui, Vol. 2. p. 3. Chap. 4. § 5.

Locke on Gov. 2 Book, Chap. 4. § 23d

All mankind are under natural, and indissoluble obligations, to nurture and support their offspring: and, from the very nature of this obligation, they have no right to part with that portion of their liberty, the possession of which is essential to the welfare of their children. (f)

Men are, undoubtedly, under obligations to themselves and their Maker to improve, to the best advantage, their rational faculties; and, hence, they have no right, so far to dispose of their liberty, as to frustrate the designs of Providence, in the creation of an intelligent being. (g) So likewise, men, in using their own natural rights, cannot lawfully interfere with the rights of their fellow mortals: and for this reason, they have no power to part with their natural liberty so far, as to render themselves the passive instruments of despotic power, to be used in destroying the rights and happiness of mankind. (h)

In effect "all men" (to use the language of the Massachusetts bill of rights) "are "born free and equal, and have certain natu-

(f) Pufendorf's Law Na. and Nations, book 4. ch. 11. § 4:

(g) Ibid, book 2d, chap. 4. § 2d, et seq.—Vattel, book 1. chap. 2. § 14.

(h) Burlemaqui, Vol. 2. part I. chap. 7. § XX.

“ ral, essential, and unalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties, that of acquiring, possessing and protecting property, in fine, that of seeking and obtaining their safety and happiness.”

This is a declaration, founded in reason, and the nature of things, and which might well be inscribed, in letters of gold, in the title page of every civil constitution of government, in the world. It is the voice of nature, and justice ; and the precept cannot be too frequently impressed upon the heart of every intelligent and honest republican. To this declaration, so honourable to those who embrace it with sincerity and truth, we must add a section, from Burlemaqui, by way of additional illustration : “ Another distinction,” says this writer, “ worthy of our attention is, “ that there are rights which may be lawfully renounced, and others which cannot.— “ A creditor may, for example, forgive a “ sum due to him, if he pleases, either in “ the whole or in part, but a father cannot “ renounce the right he has over his children, “ nor leave them in an entire dependence.— “ The reason of this difference is, that there “ are rights which of themselves have a nat-

" ural connection with our duties, and are
" given to man only as a means to perform
" them.—To renounce this sort of rights
" would be therefore renouncing our duty;
" which is never allowed. But with respect
" to rights that no way concern our duties,
" the renunciation of them is licit, and only
" a matter of prudence. Let us illustrate
" this with another example.—Man cannot
" absolutely, and without any manner of re-
" serve renounce his liberty, for this would
" be manifestly throwing himself into a ne-
" cessity of doing wrong, were he so com-
" manded by the person to whom he has
" made this subjection. But it is lawful for
" us to renounce a part of our liberty, if we
" find ourselves better enabled thereby to
" discharge our duties, and to acquire some
" reasonable advantage. It is with these
" modifications we must understand the
" common maxim. *That it is allowable for
" every one to renounce his right.*" (j)

This last quotation leads us, by easy steps, to consider the quality of alienable rights.— The rights, it seems, which are given to man, as a means of performing his duties,

(j) Burlemaqui, Vol. 1. part 1. chap. 7. § VIII.

cannot be lawfully renounced ; and his duties are to God, himself, his children, and his fellow mortals generally. But those rights which no way concern duties of this description may be lawfully relinquished.

Rights to property, though founded in the very nature of things, are alienable, and lawfully susceptible of a great variety of modifications.

Though I am entitled to the possession and occupation of the piece of land with which I mix my labour ; or to the bow and arrow, which I make for my defence, yet, in the very nature of things, my title to these cannot continue longer than I live : or in other words, longer than I am capable of being the owner of property. At my death, by the law of nature, the land and the bow and arrow revert to the common stock of mankind ; and the first actual occupier or possessor of either, whether friend or foe, will have the next title to them, in exclusion of my nearest kindred. The *natural rights* of all men to the derelict property being equal.

If all this be true, by what right does property pass from the dead to some particular living person or persons, by the laws of

descent, or by last Will and Testament ? Surely, according to the rules of natural law, a man has no right to regulate the disposition of his property after his decease ; nor can a society undertake to say, that a particular estate, upon the death of A. shall be the property of B. unless the rest of the individuals, composing this society, consent to it. But, if the rest of the society are willing to surrender their claims to the estate, in favour of B ; his title to the property will be undisputed. It is therefore upon the principle, that the members of society, generally, release their reversionary interest in the property of dead men, in favour of their heirs or devisees, that the title by descent and devise arises. The last will does not convey the title to the devisee, nor does the laws of descent transfer the property to the heir ; they rather appoint and designate the persons, in whose favour the rest of society are to release their common right of possession. And as the rest of society, by the law of descents and the law of wills, have contracted to release in favour of the heir or devisee ; the moment possession is taken, by them, their title becomes perfect, upon the principle of first occupancy.

From this illustration it follows, that the laws of society, regulating descents and testamentary dispositions of property, are not arbitrary enactments ; but rather laws reposing upon the well established principles of natural justice, and resting upon a lawful alienation of rights, on the part of community in favour of particular individuals.

Although men may not part with the whole of their liberty, in such a manner, as to jeopardise the happiness of themselves, their children, and their fellow creatures ; or in such a manner, as to frustrate the object which the Deity had in view in creating an intelligent being ; yet, where it is necessary to part with a portion of their liberty, in order the better to secure the great objects of their existence, they act lawfully, and in conformity with their duties.

It is upon this principle, that an individual may validly agree to serve as a soldier, in the militia or army. Such an agreement, to be sure, impairs, in a degree, his natural liberty, by placing it at this disposal of his general ; but, by this partial alienation of his natural liberty, he is enabled more effectually to contribute to the preservation of himself, his children, and society. A measure

of this kind, therefore, far from being in opposition to his duties, is in accordance with them.

Upon the same principle, a man in view of the advantages which promise to result to him, from a particular form of civil government, may agree, so far to alienate his natural liberty, to the disposal of a majority of his fellow-citizens, as to render himself subservient to all their reasonable orders and determinations : and this, as will be seen hereafter, operates no abridgement of his real freedom. Upon this natural and simple principle is established the rights of Communities to the services of the members, in the prosecution of wars.

In a state of nature, a man, likewise, has a right to avenge his own injuries ; but this right he is capable of alienating ; and he may agree with his fellow mortal to refer the disputes, which may arise between them, to some third and indifferent person. So, also, by a like alienation of rights, the members of a civil community may transfer the right of punishing crimes, against the state, to a chosen few ; concentrating a right which naturally appertained to all, in the hands of a certain select member. It is upon these ob-

vious and plain principles, that the judicial authority of all legitimate governments rests.

However, as we do not intend to enumerate the alienable and unalienable rights of mankind, but only to suggest an idea of their respective natures and characters ; the examples which have been adduced will answer the purpose proposed.

This view of the natural rights of man, being finished, we shall next enquire concerning the laws of nature.

ESSAY III.

OF THE LAWS OF NATURE.

AS so much has been said, in the preceding chapter, concerning the natural rights of mankind, we are led, by a natural association of thoughts, to make some enquiries respecting the natural laws imposed upon men : natural rights and natural laws being correlative phrases.

That natural laws exist in the absence of civil regulations is unquestionably true ; and these natural laws, even in civil society, constitute the real foundations of justice.

“Laws,” says the President Montesquieu, “in their most general signification, are the necessary relations resulting from the nature of things. In this sense all beings have their laws, the Deity has his laws, the material world its laws, the intelligences superior to man have their laws, the beasts their laws, man his laws.”

The difficulty, however, attending natural laws, as they refer to the intercourse among men, is the want of a sufficient and adequate human sanction, or penalty, attendant upon their infraction. Nevertheless, natural laws do exist antecedent to all civil regulations: and unless this were the case, it would be absurd to suppose the existence of natural and unalienable rights, as appertaining to mankind. (b)

The laws of nature, as they regard human conduct, may properly be divided into those of peace, and those of war; the laws of war, operating in a state of nature, in some degree, as a sanction to the laws of peace.

But, let us endeavour to illustrate this distinction, existing in the very nature of things, between these laws of nature.

As has been already remarked, by nature, man is inspired with a desire to preserve himself, and to seek his own happiness ; and all men have an equal right to do both.—Indeed, nothing can be plainer, than that every man has a right by nature innocently to direct and appropriate his actions to the pursuit and accomplishment of his own enjoyment. Rights of this description, may properly be said to repose on the natural laws of peace ; for so long, as each individual exercises them innocently, that is, without interfering with the same rights, equally appertaining to his fellow mortals, peace among men, will be the consequence. But the moment these rights are infringed, in the intercourse between man and man the state of war takes place, between them and the natural laws, relative to this state of things, necessarily come into operation. By these laws, the injured have a right to exert a suitable measure of retaliation, for injuries sustained, and those who are in eminent danger of having their natural rights abridged, or violated, by the avarice or ambition of another, may exercise a proper degree of force to prevent the impending injury.

This illustration may serve to indicate the difference between the natural laws of Peace, and the natural laws of War: and if it be true, as doubtless it is, that every natural right supposes the existence of a correlative natural law, it follows, in connection with the last essay, that mankind, by the laws of nature, are entitled to life, liberty and the possession of property. Nor is it less plain, that so long as rights of this description remain inviolate, peace among men must be the consequence, and that war only will ensue upon their infraction.

But, although, the laws of nature, establish an equality of rights among men, yet in regard to wants they are more or less unequal and dependent. On this account, therefore, the natural laws of peace have always found but a flexible, and inadequate sanction, in the natural laws of war. Right reason therefore, excited by views of convenience and expediency, undoubtedly suggested to man, in a state of nature, the necessity of a more stable and permanent guarantee, for the security of his natural rights and repose.

This simple reflection, then, is enough to satisfy us of the necessity of civil govern-

ment; and to convince us, that it is founded in the very nature of things.

ESSAY IV.

AN IDEA OF THE CIVIL STATE.

THE powers, capacity and rights of man, and the necessity of civil government, as a means of protection and security to him, having been briefly touched upon, in the preceding chapters, the next step is to suggest an idea of the civil state.

By the civil state, we are to understand, an association of individuals, each covenan-

ting with the whole, and the whole with each one to protect and maintain each other, in the enjoyment of their natural rights. (a)

“ How great soever,” says Burlemaqui, “ the change may be which government and “ sovereignty make in the state of nature, “ yet we must not imagine, that the civil “ state properly subverts all natural society, “ or that it destroys the essential relations, “ which men have among themselves or “ those between God and man. This would “ be neither physically nor morally possible:

(a) Vattel, Book 1. Chap. 2. § 16.

" on the contrary, the civil state supposes
" the nature of man, such as the Creator
" has formed it, it supposes the primitive
" state of union and society, with all the re-
" lations this state includes, it supposes, in
" fine, the natural dependence of man with
" regard to God and his laws. Government
" is so far from subverting this first order,
" that it has been rather established with a
" view to give it a new degree of force and
" consistency. It was intended to enable us
" the better to discharge the duties prescri-
" bed by natural laws, and to attain more
" certainly the end for which we were crea-
" ted." (b)

The better to effectuate this object, the whole community is considered as one great and powerful individual, of which every particular moral agent, constitutes an integral part. The great body politic, thus composed, exercises its sovereign power, sometimes by one man, as a king; sometimes by many men, as a senate; and sometimes it retains to itself the exercise of sovereignty; as in the case of a pure democracy; as we shall more fully explain hereafter.

(b) Burlemaqui Prin. of Nat. and Pol. Law.

This association of individuals, being essential to the formation of the civil state, it is plain, that he who molests a part, molests the whole: and hence, the individual who commits what is technically denominated a crime, though it be, in the first instance, against a single individual only, does, in fact, commit an act of war, against the whole community, of which the offended individual forms a part. This act of war, the whole community may, therefore, lawfully punish, in a measure proportioned to the nature and aggravation of the transgression, deriving their right in this particular from the natural laws of war. (c)

The rights of property, as they have been explained, naturally introduce, sales and exchanges of lands, and commodities among men; and these are effected, through the intervention of contracts, the legitimate offspring of liberty and property. The civil state comes in aid of all lawful contracts, and indeed operates, in a measure, as a guarantee for their faithful performance.

Besides a security for the performance of our contracts, derived from the civil state; we have in it a powerful and certain avenger

(c) Vattel, book 1. Chap. 2. § 14.

for all forcible violations of our private liberty and property.

By night and by day, under Providence, it is the constant protector of our rights, and our possessions ; and whether we venture our persons upon the ocean, or commit our property to it, in the prosecution of an innocent and lawful commerce, the civil state is bound to protect both the one and the other.

While civil society has a constant eye to the suppression of internal disorders, and to the security of each particular member of community ; it is under the highest obligations, the better to effect the objects it has in view, to pay a particular regard to its own duration, preservation, and perfection. (d)

To promote the order of society, and to strengthen the bonds of community, laws for the regulation of marriages, for the security of marital rights, and the protection and government of children, are no less the dictates of policy, than nature.

So, likewise, the laws relative to rights of property, and the descent and distribution of estates, are highly important ; and are generally formed with a particular view to the

(d) Bla. Com. 1 Vol. 41. Vattel, Vol. 2. p. 3. ch. 1. § 2.

principles and preservation of the government.

Civil communities have the same relation to each other, as exists among individuals in a state of nature : and since wars, among independent states, have been too frequently excited, by the ambition or avarice of mankind ; we naturally associate with our notions of the civil state, a disposition and ability to defend the body politic, against all hostile attacks. This indeed is a duty peculiarly incumbent upon every state, which consults its own preservation ; and the execution of it suggests the expediency, and necessity of a variety of internal regulations, in order to array the physical power of the state more effectually against a common enemy.

But, although, the institution of civil society, has in view nothing but the preservation of the natural and absolute rights of individuals, which, as Judge Blackstone remarks, are few and simple ; yet, the preservation and protection of these, will produce a great variety of connections and relations in society ; the regulation of which may require an equal variety of laws. It must be obvious to all, therefore, that the machine-

ry of government, though bottomed in simple and indubitable principles, may be somewhat complicated in its details and ramifications. Indeed to a just and proper regulation of the civil state, the observance of a variety of duties and obligations unknown to a state of nature, is indispensably necessary.

But, after all, it may be doubted, whether mankind trammel any portion of their natural liberty, by entering into a well regulated political state.

There is a plain distinction between a voluntary renunciation of a part of those rights of which we are capable of disposing ; and an arbitrary and forcible violation of the unalienable rights of mankind. If, for a good consideration, I choose to part with some of those rights which are at my disposal, I cannot complain of an invasion of my natural liberty on this account. "We must be careful," says Burlemaqui, "not to confound two things entirely distinct, I mean the state of nature, and the laws of nature. The primitive and natural state of man may admit of different changes and modifications, which are left to the disposal of man and have nothing contrary to his obli-

“gations and duties. In this respect the
“civil laws may produce a few changes, in
“the natural state, and consequently make
“some regulations unknown to the law of
“nature, without containing any thing con-
“trary to that law, which supposes the state
“of liberty in its full extent, but neverthe-
“less, permits mankind to limit and restrain
“that state, in the manner which appears
“most to their advantage.” (d)

In a word, in a general view of the sub-
ject, in virtue of the social compact, all laws
may be enacted by the sovereign authority,
which are not violations of the unalienable
and indefeasible rights of mankind: but all
laws which infringe rights of this description,
under every form of government, are tyran-
ical and unjust, in the nature of things, and
have no binding force and effect. (e)

“Law,” says Mr. Locke, “in its true
“notion, is not so much the limitation, as
“the direction of a free and intelligent agent
“to his proper interest, and prescribes no
“further, than is for the general good of
“those under that law: Could they be
“happier without it, the law, as an useless

(d) Burlemaqui, Vol. 2 p. 3. ch. 1. § 11.

(e) Pufendorf, Book 8. Chap. 1. § 2.

“ thing, would of itself vanish ; and that
“ ill deserves the name of confinement,
“ which hedges us in only from bogs and
“ precipices.” (f)

ESSAY V.

OF THE ORIGIN AND END OF CIVIL GOVERN- MENT.

ALTHOUGH, it may be evident, that man was formed for society, and that society could not exist, in any measure of order and regularity, in the absence of civil ordinances ; yet, it may be asked, what, in point of fact, was the origin of civil government ? In reply to such a question, it might be needless to spend time, in endeavouring to determine whether governments were, in their origin, patriarchal or conventional ; or whether they were founded in force or fraud : because, it may be enough to show what the origin of every government ought to be, and not what it has been. At any rate, mankind in the most remote ages, must have perceived the necessity of civil regulations, and have felt the importance of having them executed.

(f) Locke on Gov. 2 Part. chap. 4. § 57.

Self-interest, therefore, the great and universal spring of human action, must have rendered men willing to consent to some kind of government or other: and we maintain, that it is this consent, either express or implied, which forms the legitimate basis of civil and political power, whatever, in point of fact, may have been the case in relation to the origin of government. (a)

We are aware, however, that this notion of a primary consent, or original contract, has been much ridiculed by the abettors of arbitrary power, as a theory of speculative reasoners, totally unfounded in fact. But, notwithstanding this, it is believed, that this theory, in addition to the authority of eminent writers who have favoured it, will derive support and confirmation from history and experience. But, in truth, if support and confirmation of this kind were not at hand; the propriety of the doctrine might still be supported, on the grounds of abstract justice: for as Montesquieu well remarks: "Before laws were made there were possible relations of justice.. To say that there

(a) *Locke on Gov.*—*Burlemaqui*, Vol. 2. part 1. ch. 5 ..

Ibid, Vol. 2. part 1: ch. 4.

Vattel's Law Nations, Prelim. § 4.

" is nothing just or unjust, but what is commanded, or forbidden, by positive laws, is the same as saying, that before the describing of a circle all the radii were not equal. We must, therefore, acknowledge relations of justice antecedent to the positive law by which they are established." (b)

Without spending time, however, in considering arguments of this kind : let us hasten to examine the proofs, which history, and experience afford of the existence of the original compact, in point of fact, and practice, both in ancient, and modern times.

Whoever glances at the accounts given of the hordes of barbarians, which followed each other like the waves of the sea, from the confines of China, and the forests of Northern Europe, overthrowing in the end the Roman Empire ; will notice a race of men, but one remove from a state of nature. As these Barbarians were associated together, in the rudest forms of political society, we may well enquire, with a view to the subject before us, as to the nature and principles of their association. The simple and rude obligation of the feudal compact, calculated for efficiency in war, and an equitable

(b) Sp. Laws, book 1, chap. 1.

partition of the spoils of the vanquished, exhibit the first traces of a civil community among these hardy warriors. In relation to each other they were equal, and independent; and the name of a soldier was synonymous with that of a freeman. (c) The Sclavonians, who inhabited the wilds of Russia, Poland, and Lithuania, disdained to obey a despot, a prince, or a magistrate; they could only be persuaded, but never compelled. (d) Among the Germans, whose territories were more southerly, the magistrates might deliberate and persuade; but the people alone could resolve and execute. (e) The Scythians, or Tartars, who were spread over the vast regions of the North of Asia, as far as the Sea of Japan, never acknowledged the authority of a despot; but, the *Couroualtai*, an assembly of delegates from the several tribes, composed the rude, but free legislatures of those pastoral barbarians. (f)

The Saxons who subdued Britain, imported with them the same principles of freedom, and independence, which they had cul-

(c) VI. Note of Proofs and Illustrations, 1 Vol. Robt. His. Charles 5.

(d) Decline and Fall of Rom. Emp. 5 Vol. 201.

(e) Ibid, 1 Vol. 252.

(f) Ibid, 3 Vol. 323.

tivated in their native country ; and maintained in England, under feudal regulations, their original liberty. (g) Tacitus and Caesar have delineated, with masterly hands, the rude outlines of barbarian freedom ; and Hume, Robertson, and Gibbon, ascending to these venerable sources, have presented to the readers of modern times, a bold transcript of their originals. A careful perusal of these historians will satisfy all, that the principles of the feudal system were originally free ; and that no freeman living under them, could be subjected to new laws or new taxes without his consent. (h)

We have all heard the story of the consecrated vase, taken by Clovis, Emperor of the Franks ; it is worthy, however, of a repetition, as a forcible illustration of the spirit and sentiments of the times, which gave it birth. “ The army of Clovis, the founder of the French monarchy, having plundered a church, carried off, among other sacred utensils, a vase of extraordinary size and beauty. The bishop sent deputies to Clovis, beseeching him to restore the vase, “ that it might be again employed in the sa-

(g) Hume's His. Eng. Appendix No. 1.

(h) Rob. His. Charles 5. 1 Vol. 29.

“ cred services to which it had been consecrated. Clovis desired the deputies to follow him to Soissons, as the booty was to be divided in that place, and promised, that if the lot should give him the disposal of the vase, he would grant what the bishop desired. When he came to Soissons, and all the booty was placed in one great heap in the middle of the army, Clovis entreated, that before making the division, they would give him that vase over and above his share. All appeared willing to gratify the king, and to comply with his request; when a fierce and haughty soldier lifted up his battle-axe, and striking the vase with the utmost violence, cried out with a loud voice, “ You shall receive nothing here but that to which the lot gives you a right.” (j)

Such instances as these, among other things, serve to satisfy us, that the principles of the feudal system rested in compact and consent; and they satisfy us beyond all doubt, that the obedience of the feudal citizens or soldiers, was perfectly voluntary, and not the result of constraint. (k)

(j) Rob. His. Charles V. Note Proofs and Illustrations.

(k) Ibid. VI. Note.—Ibid.

If the Goths of Scandinavia, and those barbarians who followed the standards of Zingis Khan, Attilla and Tamerlaine, submitted themselves, in any degree, to the arbitrary control of their leaders ; it is to be attributed to the influences of superstition, which has been so often fatal to the rights of mankind.

In relation to the Goths, it is to be remarked, that Odin, the Mahomet of the north ; who possessed among his followers, the reputation of a magician, was the founder of a religion, suited to enslave the minds of an ignorant, and warlike people. In proof of this, when he foresaw the near approach of death, he resolved to anticipate the course of nature, for the purpose of rivetting the chains of superstition : and calling together an assembly of the Goths, and Swedes, he wounded himself mortally, in nine places, that he might hasten away to prepare the feast of heroes, in the palace of the God of war. (1) “ Attilla and Zingis,” (to use the language of the eloquent Gibbon) “ surpasssed their rude countrymen in art, rather than in courage ; and it may be observed, that the monarchies, both of the Huns and

(1) Decline and Fall Rom. Emp. 1 Vol. 272.

" of the Moguls, were erected by their founders on the basis of popular superstition." Attila having found a rusty sword, buried in the earth ; proclaimed it to be the sword of Mars ; and in virtue of it, successfully asserted his divine right to dominion over the Huns. (m) Zingis, who was thought capable of ascending into heaven, upon a white horse, found no difficulty in imposing himself upon his ignorant, and credulous followers, as a supernatural existence. In this belief, his countrymen in a general *Couroultai*, or diet, proclaimed him emperor of the Moguls and Tartars. (n)

Tamerlaine, who came to the throne of Zingis, in the succeeding century, did not owe every thing to his extraordinary talents. It was believed, that he, in an especial manner, enjoyed the divine favour, and he artfully nourished this advantageous superstition, by a religious reverence for omens, prophecies, saints and astrologers. (o)

The Arabians were originally proverbial for their freedom and independence ; the situation and nature of their country defen-

(m) Decline and Fall Rom. Emp. 4 Vol. 234.

(n) Ibid, 7 Vol. 452.

(o) Ibid, Account of Tamerlaine, 8 Vol;

ded them from foreign attacks, and reason taught them their natural title to the enjoyment of life and liberty. The superstition, however, which was so artfully generated by Mahomet, gradually sapped the foundations of their freedom, and introduced in the course of a century, the absolute dominion of the Caliphs. (p)

If, from this rapid review, we turn our eyes to the progress of government in Europe, since its establishment, upon the ruins of the Roman Empire, it would seem, that the ruder mankind have been, the nearer their forms of government have approximated to the theory, which has been suggested. And if those hardy freemen, who anciently located themselves upon the soil of the Romans, have by the arts, and usurpation of designing princes ; the influences of superstition ; and the contrivances of the Romish Clergy, lost their original liberty ; it only proves, that men, originally free, may in course of time loose their freedom. This however is not enough to satisfy us, that the examples of arbitrary governments, exhib-

(p) Decline and Fall Rom. Emp. Account of Mahomet and the Arabians.

ited in Europe for centuries past, are at war with the idea, that these very governments were, originally, founded in consent.

And here we cannot forbear to observe, that it seems somewhat singular, that Mr. Hume, should endeavour to ridicule, in his Essays, the notion of an original contract, by alluding to the various forms of arbitrary government, which so plentifully abound: but yet, that he had not the candour to notice the original simplicity of the feudal constitutions in support of the hypothesis. In his History of England, however, he freely asserts, that if the European nations, maintain sentiments of liberty, honour, equity, and valour, superior to the rest of mankind; they owe these advantages, chiefly, to the seeds implanted by the generous barbarians, whose obedience to government was never constrained, but free and voluntary. (q)

As there is no lack of historical testimony, to prove that the governments of Europe, were originally founded by the consent of the people: let us cross the Atlantic, and examine the various examples exhibited in America, in modern times, of governments

(q) Compare his Essay on the original Contract with his Appendix, No. 1. His. of Eng.

flowing from the same original. In taking this view of the subject, it will be unnecessary to discent upon the degree of freedom, existing among the northern savages of America : it is only necessary to name the **UNITED STATES OF AMERICA**, and the several states composing the Union, to prove more than twenty instances of an original compact among the people.

After what has been remarked, it may be needless to observe, that the legitimate end of civil government, is the happiness of human society ; and that form of government which is best calculated to promote this desirable end, in respect to any particular state, or civil community, is decidedly the best.

Plain however as this truth is, it ought to be always kept in mind, by every individual having any civil duty to perform in society. And with this in view, it will be useless for the people of the United States, in general terms, to extol the superior excellence of their own civil institutions, or to disparage the political establishments of other nations : it being manifest, that a form of government, which may be well adapted to the circumstances and habits of one people, may be

very imperfectly suited to the condition of another. Nothing can be plainer, than that the barbarian of the desert requires the restraint of a more powerful arm, than the individual, whose passions and propensities are under the internal restraint of moral and religious sentiments.

ESSAY VI.

OF CIVIL LIBERTY.

HITHERTO we have been examining some of the natural foundations of civil society: we will now turn our attention to some of the rights and duties, which are secured and prescribed by it; and then examine briefly some of the modes of human government: keeping in mind the principles, by which we have been, thus far, guided.

With this view, the following essay will be devoted to some remarks upon the interesting subject of Civil Liberty; a blessing, always supposed to exist, under every well regulated form of civil polity.

Doctor Paley, in reference to the subject now proposed, observes this: "It will not

“ be thought extraordinary, that an idea,
“ which occurs so much oftener as the sub-
“ ject of panegyric and careless declamation,
“ than of just reasoning or correct knowl-
“ edge, should be attended with uncertainty
“ and confusion ; or that it should be found
“ impossible to contrive a definition, which
“ may include the numerous, unsettled, and
“ ever varying significations, which the term
“ is made to stand for, and, at the same time,
“ accord with the condition and experience
“ of social life.” (a)

Upon a subject, therefore, upon which it appears, in the older countries, many men have spoken with many minds, a citizen of the United States may escape the imputation of eccentricity, if he undertakes to examine it, according to the notions of his own countrymen, and in reference to the free principles of his own government.

Doctor Paley defines Civil Liberty in these words, to wit : “ *Civil Liberty is the not being restrained by any law, but what conduces, in a greater degree, to the public welfare.*”

In the course of his chapter, however, upon Civil Liberty he associates with this

(a) Paley on Civil Liberty.

definition another idea : that of security against laws not calculated to promote the public happiness. (b)

The definition of Civil Liberty afforded by Judge Blackstone does not vary substantially from that of Doctor Paley. "Political" or civil liberty," says the Judge, "which is that of a member of society, is no other than natural liberty so far restrained by human laws (and no farther) as is necessary and expedient for the general advantage of the public." Mr. Christian, in his notes upon Blackstone's commentaries approves of his authors definition, with this addition, "that the restraints introduced by law ought to be as nearly equal to all as the nature of things will admit;" but he suggests a distinction between what he denominates civil, and what he denominates political liberty : a distinction the propriety of which is plainly hinted by Dr. Paley. "Political liberty may be defined," says Mr. Christian, "to be the security with which, from the constitution, form, and nature of the established government, the subjects enjoy civil liberty" : whereas *civil liberty*, in contradistinction to political liberty, accor-

(b) Paley on Civil Liberty.

ding to him, is nothing more than the impartial administration of equal and expedient laws. (c)

Although these definitions admit, that civil liberty appertains to the citizen, in his individual capacity ; yet, they do not convey, a clear and distinct idea of the degree of it, which he is to enjoy ; that being left, in conformity to the British Constitution, altogether to the will of parliament. (d). We see, therefore, that definitions of this kind, are incomplete, in relation to the liberties of a people, of this country, whose dearest rights are independent of the legislature ; being secured to them by fundamental and standing laws. Neither is it less apparent, that the

(c) 1 Black. Com. P. 120, in Christian's Notes.

(d) "The power and jurisdiction of parliament," says Sir Edward Coke, "is so transcendant and absolute, that "it cannot be confined, either for causes or persons, within "any bounds." And of this high court, he adds, "it may "be truly said, "*si antiquitatem spectes, est vetustissima ;* " *it dignitatem, est honoratissimæ, si juris dictionem, est capa-* " *cissima.*" It hath sovereign and uncontrollable authority "in the making, confirming, enlarging, restraining, abro- "gating, repealing, reviving, and expounding of laws, con- "cerning matters of all possible denominations, ecclesiasti- "tical, or temporal, civil, military, maritime, or criminal ; " this being the place where the absolute despotic power, " which must in all governments reside somewhere, is in- "trusted by the constitutions of these kingdoms."

1 Blac. Com. 160.

people of America will find it difficult to separate their notions of civil and political liberty, according to the suggestion of Mr. Christian, on account of the high degree of freedom secured to them by the standing laws.

It is, however, to be expected, that definitions of civil liberty will be somewhat different, in different countries ; each definer, being under a sort of moral necessity of accommodating his account of the matter, to the principles and practices of his own government. And, in addition to this, it may be difficult, in any country, to give an accurate idea of this great moral blessing, in a few set words and phrases. The idea in itself is exceedingly complex ; and will be more or less so, in different countries, in proportion as a greater or less degree of liberty and security, is enjoyed in them.

In this view of the subject, it would not be decorous to question the propriety of Blackstone and Paley's definitions ; these corresponding exactly, with the notions of civil liberty entertained in England : but agreeably to the principles, which have been submitted, in the preceding essays ; and in conformity to the letter and spirit of our own

free constitutions of government ; we must adopt such a definition of civil liberty here, as will recognise a clear and permanent security, for the essential private, and natural rights, enjoyed by our citizens.

Civil Liberty, therefore, according to our notions, in this country, is only a modification and improvement of natural liberty ; securing all its essential rights. (e) And as the people here have by their constitutions of government reserved to themselves, in natural sovereignty, some of their most essential natural rights, as well as the power of making, by themselves or their agents, laws to promote the general welfare ; no definition of civil liberty, will quadrate with the notions of the people of this country, unless it recognizes these great constitutional truths. Nay, more : if civil liberty, be but the improvement and perfection of natural liberty : according to the principles, which have been advanced, in the preceding essays, a correct definition of it will, not only require a recognition of the foregoing truths, but, also, the consent of the people to the consti-

(e) *Essay IV. Locke on Gov. 2 Part.-chap. 4. § 57.*
Burlemaqui, Vol. 2. part 1. Chap. 3. § 23.
Pufendorf's Law of Nature, and book 8. § 2.

tution, or original frame of government itself: for the constitution defines, how far we place our natural liberty under the direction of the supreme power of the state, and we must agree to the terms of this instrument before we can be bound by it. (f)

According to this hypothesis, however, it may be objected to us, in the first place; that civil liberty cannot exist universally among a whole people, since the will of the majority must, of necessity, constitute a law for the minority.

Secondly, that the doctrine cannot be applied to those, who may be born after the formation of the original compact; as such have never had an opportunity of agreeing, or disagreeing to it. And

Thirdly, that the theory suggested will not apply to the female portion of our community, nor embrace, in point of fact, a considerable portion of the male population, who are excluded from the right of suffrage, for want of property.

And as to the first objection, it is readily admitted, that it would be a good and valid one to the theory suggested, were the ma-

(f) Vide Essay, on the Origin of Gov. and on the Civil State.

jority, in this country, permitted to govern without fundamental laws : but, it cannot prevail, where there is a standing constitution of government, defining the power of the majority, in matters of legislation. The minority, who have consented to the original compact, are not curtailed of any portion of their civil liberty, by the operation of any laws enacted within a reasonable construction of it : it being manifest, that when they consented to the fundamental code, they promised to obey all constitutional laws. It would, therefore, be absurd to suppose, that the performance of an obligation, thus voluntarily contracted, could infringe, in any degree, their civil freedom. (g)

But after all, it may be said, that this argument only applies to those, who are actual parties to the original compact, and not to such as are born under it : this, therefore, brings us to the second ground of objection.

And as to this, it is to be observed, that there may be an implied, as well as an express consent to the original compact ; (h) and whoever impliedly consents to it, has

(g) *Essay on Civil State.*
(h) *Essay on Origin of Gov.*

no more reason to complain of an abridgement of his liberty, than he, who expressly consents to it.

A consent to the original compact, may always be implied against him, who voluntarily elects to live within the sphere of its operations ; but, unless the act of remaining under its operations, be voluntary ; no consent can be implied from it. The right of expatriation, therefore, seems necessary, as a means of ascertaining a consent to the established laws : for without this right, it would be absurd to infer any consent to them, from the fact of remaining involuntarily, within the limits of their operation. Indeed, if individuals have not the right to expatriate themselves, under certain circumstance, they are necessarily born under an insurmountable restraint ; which is repugnant to every notion we entertain of natural liberty.

But it may be further objected, that these notions, in relation to expatriation, are visionary ; because, men are commonly constrained to remain under a government, which is disagreeable to them, by a variety of causes altogether independent of the restraining arm of sovereign power : family connections, large possessions, which cannot be disposed

of, and a variety of other circumstances, will induce a subject to live under a government, which otherwise, he would cheerfully abandon. All this is undoubtedly true; nevertheless, if a man is at liberty to elect, in view of every circumstance, whether he will remain under a particular government or not, he has as perfect liberty, in this particular, as a human being can possess. And however odious to him may be the government, under which he chooses to continue, he has notwithstanding adopted it freely, and has voluntarily subjected himself to its laws.

When physical obstacles alone oppose expatriation, as an inveterate disease, or an impassable ocean; the restraint is not from moral agency; and an individual would be equally under the control of such causes, both in a state of nature, and in a state of civil society.

We hasten now to consider the third ground of objection, in relation to the female part of community, and that portion of the male population, who are not permitted to exercise elective rights, on account of a deficiency of property.

The latter part of this objection is easily

disposed of; for men totally destitute of property may not be supposed to take much interest in affairs of government: in addition to which, it would be manifestly unjust to submit the interests and properties of others to the disposal of men, who have nothing at stake, by giving them a voice, in the public elections:

In relation to the females in community, who are married, it readily occurs that they have conferred upon their husbands, by the marriage contract, all their civil rights: not absolutely, it is apprehended, but on condition, that the husband will make use of his power to promote their happiness, and the prosperity of their children. But they ought to have the right of resuming their civil functions, whenever it becomes apparent that, owing to the fault of their husbands, they will remain unable to obtain support, and protection from them. (j)

When the marriage contract, however, is dissolved, whether it be effected by the death of the man, or by the decrees of justice; the woman becomes an independent member of society, and in respect to rights, ranks in that class of adult females, who remain

unmarried. This class of females, it is true, are not generally entitled to exercise elective rights, although they may possess large properties and estates: and this circumstance, it must be acknowledged, is, in a degree, repugnant to strict notions of liberty. But, when it is considered, that no practical inconvenience has ever been experienced here, from the circumstance alluded to, and that no possible good could result from conforming the practice of the country, in this particular, to strict theory; all will agree, that so far as the free principles of our constitutions, are capable of producing any practical advantage, they have as wide a scope, in their operation, as the broadest system of civil liberty requires.

Besides, it is not to be overlooked, both in relation to males destitute of property, and unmarried adult females, that in all other respects, excepting the right of suffrage, they are equal, in point of rights, to the mass of community.

From the observations which have been made upon the subject of civil liberty, it would seem, according to our notions here; that not only fundamental laws, but the consent of the people to all civil regulations, are

essential to its security ; and that the right of expatriation, ought to be enjoyed, as one of the great principles of civil freedom. (k)

In the next essay the rights and extent of sovereignty will be considered, in connection with the characters, and duties of allegiance. (l)

ESSAY VII.

OF SOVEREIGNTY AND ALLEGIANCE.

WHENEVER any portion of mankind associate themselves together, in a political state, the attributes of sovereignty are essential to their independent existence.

A sovereign state is that, which acknowledges no earthly superior; it exists independently of all other states and nations, governing and regulating itself, by its own good will and pleasure. And the sovereign pow-

(k) Burlemaqui defines civil liberty to be, "natural liberty itself, divested of that part, which constituted the independence of individuals, by the authority which it confers on sovereigns, and attended with a right of insisting on his making a good use of his authority, and with a moral security that this right will have its effect."

(l) For an historical account of the rise and progress of Civil Liberty in Europe, see 1 Vol. Rob. His. Charles 5. P. 25.

er of a state embraces the authority of making and executing all laws and ordinances: it is the fountain of power, and the source of protection.

Allegiance is a reciprocation of sovereignty, and comprises the duties of individuals, in relation to the sovereignty or state. By it every citizen or subject, residing within, or belonging to any particular state or Commonwealth, is bound to conform to the laws, and to vindicate and defend the national rights and interests.

But, as it would appear from the preceding essay, that every man has a right, under certain circumstances, to expatriate himself, or dissolve the connection, existing between him, and his natural, or temporary sovereign: it remains to be enquired, under what circumstances, he may lawfully absolve himself from his allegiance.

Upon this theme various opinions have prevailed; but in this age and country we ought to be beyond the control of arbitrary doctrines, and especially of decisions proceeding from judicial tribunals, dependent upon James the first; a weak, mistaken, and pedantic prince. (a) But whatever differ-

(a) Calvins case, in Coke's Reports.

ence of opinion may have prevailed, in relation to the reciprocal rights and duties, incident to the connection between sovereign and subject ; all seem to agree, that the connection may be dissolved by the subject, upon the failure of the sovereign, to furnish to the people, that protection and security, which is the price of obedience.

This truth, indeed, has been fully acknowledged, and practically illustrated by the British nation, at the time of the revolution, which brought in King William the third. (b) But the difficulty is to ascertain under what other circumstances, the citizen or subject may dissolve the tie, which binds him to his country.

Before we enter particularly into this enquiry, it may not be amiss to remark that the strict doctrines of allegiance seem to be of feudal origin and that the obligations of it resulted from the express and voluntary consent of the subject. (c) "The Romans," says Burlemaqui, " forced no person to continue under their government ;" and Cicero, in one of his orations exclaims, in relation to the right of expatriation : " O excel-

(b) Smollet's Hist. of England, Vol. 1. Cha. 1. p. 1.

(c) See Essay V. and the references.

"lent and divine laws, enacted by our an-
cestors, in the beginning of the Roman
Empire. Let no man change his city a-
gainst his will, nor let him be compelled
to stay in it. These are the surest foun-
dations of our liberty, that every one
should have it in his power to preserve or
relinquish his right." (d)

In the discussion, however, which we have in view, for the sake of perspicuity, we shall divide allegiance into natural and conventional ; and conventional allegiance, it is conceived, may be either expressed or implied.

Natural allegiance is the consequence of being born within the jurisdiction of a particular sovereignty : conventional allegiance is implied, when an individual goes within the jurisdiction of a sovereignty, for the purpose of residing a longer or shorter time as suits his convenience : and Conventional allegiance is expressed, when there is a positive contract between the sovereign or subject, made by the intervention of an oath of allegiance.

By natural, and by implied conventional

(d) Burlemaqui Prin. of Nat. and Pol. Law. Vol. 2.
. chap. 5. § XV. and note.

allegiance, we are bound to obey the laws of the sovereignty under which we reside, so long as we receive protection from them, and choose to continue within the scope of their operation. But in the case of implied conventional allegiance, we are at perfect liberty, at any time, to absolve ourselves from the obligations incident to it, by departing from the jurisdiction, within which the obligation exists. (e) And, if in a time of war, we should be restrained from exercising this right; the restraint would be such, as is imposed upon prisoners of war, rather than such as citizens or subjects are liable to.

Implied conventional allegiance, indeed, always supposes a concurrent allegiance, due to some other sovereign, but in the case of natural allegiance, no such concurrent obligation is supposed.

For this reason, as well as for others, natural allegiance is not so easily dissolved, as that which we denominate implied conventional allegiance: in fact, when a native born subject has been protected by his government, from his cradle, government seems to have a well founded right to object to his expatriation, at a time when his services may

(e) Bla. Com. Vol. 1.. p. 370.

be requisite for the public defence and security. Nor has the natural born citizen reason to complain under such circumstances of restraint, in this particular, any more than the individual, who, having been safely conveyed in a ship, within sight of land, is stopped in attempting to abandon the vessel, in an hour of difficulty and danger.

But if a natural born citizen, or subject, desires to absolve himself from his allegiance, in a time of peace, or when his services are not requisite, for the defence or security of his native country ; he has a natural right, to gratify his inclinations in this respect. Nor can this right be lawfully restricted, it is conceived, until the citizen or subject has entered into an express contract of allegiance with his sovereign.

We come, then, to consider the nature and obligations of express conventional allegiance.

This kind of allegiance, it may be observed, may be superadded to natural allegiance as well as exist between a sovereign, and a subject, or a citizen, of a foreign state.

By the oath of allegiance, an individual contracts to obey and serve a particular sove-

reignty or state, so long as that sovereignty or state shall afford to him protection and security, and the sovereignty or state on the other hand by the very requirement of the oath, virtually contracts to protect the citizen, so long as he shall obey and serve.

This therefore, seems to be a voluntary contract, expressive of the entire consent of the citizen or subject to the existing laws of the state to which he swears allegiance, and it contains an implied promise to obey all those, which may be lawfully enacted in future.

Governments usually require of all their officers, and particularly of their military and naval officers, as well as their seamen and soldiers, this express contract of allegiance: and this, unquestionably, furnishes the strongest tie of connection between a government and a citizen. (f) Whether this contract

(f) It is plain (says Locke) mankind never owned nor considered any such natural subjection that they were born in, to one or to the other, that tied them, without their own consent, to a subjection to them and their heirs.

For there are no examples so frequent in history, both sacred and profane, as of those of men withdrawing themselves and their obedience from the jurisdiction they were born under, and the family or community they were bred up in, and setting up new governments in other places; from whence sprang all that number of petty commonwealths, in the beginning of ages, and which always multi-

can be extinguished, so long as the conditions of it remain inviolate, at the will of either party, is a serious question. And as to this, nothing is more clear, than that the sovereignty can have no separate right to absolve itself, under such circumstances, from the obligation of protecting the citizen, or subject: and therefore, it is difficult to perceive on what principle of justice, the subject or citizen can absolve himself from the obligation devolved upon him, by the contract, without the concurrence of his sovereign.

plied, as long as there was room enough, till the stronger, or more fortunate swallowed the weaker, and those great ones again breaking to pieces, dissolved into lesser dominions. All which are so many testimonies against paternal sovereignty, and plainly prove that it was not the natural right of the father descending to his heirs that made governments in the beginning, since it was impossible upon that ground there should have been so many little kingdoms; all must have been but only one universal monarchy, if men had not been at liberty to separate themselves from their families and the government, be it what it will, that was set up in it, and go and make distinct commonwealths and other governments, as they thought fit.

This has been the practice of the world from its first beginning to this day: nor is now any more hindrance to the freedom of mankind, that they are born, under constituted and ancient polities that have established laws and set forms of government than if they were born in the woods, amongst the unconfined inhabitants that run loose in them. For those who would persuade us, that by being born under, we are naturally subject to it, and have no more any

But, if a disruption of a contract, of this nature, can produce no damage, direct or consequential to either party, there seems to be no solid objection to its extinguishment by either of them. However; should a citizen, who had voluntarily entered into a contract of this kind, think proper to abandon the country, with which he had contracted it, and to join himself to another: and should he afterward be found, giving aid and comfort to the enemies of that country, to which he had formerly sworn allegiance; it would

title or pretence to the freedom of the state of nature, have no other reason to produce for it, but only because our fathers or progenitors passed away their natural liberty, and thereby bound up themselves and their posterity to a perpetual subjection to the government, which they themselves submitted to.

It is true, that whatever engagements or promises any one has made for himself, he is under the obligation of them; but cannot by any compact whatsoever, bind his children or posterity: for his son, when a man, being altogether as free as his father, any act of the father, can no more give away the liberty of the son, than it can of any body else: he may indeed annex such conditions to the land he enjoyed as a subject of any commonwealth as may oblige his son to be of that community, if, he will enjoy those possessions which were his father's; because that estate being his father's property, he may dispose, or settle it as he pleases.

Vide also Burlemaqui's Prin. of Nat. and Pol. Law, Vol 2. part 2. Chap. 5. § 13th, 14th, 15th.

be a difficult matter for him to demonstrate, that his act of expatriation, had been of no damage, immediate or consequential, to the country he had forsaken.

ESSAY VIII.

OF THE VARIOUS FORMS OF CIVIL GOVERNMENT

ACCORDING to the order proposed, we shall in this, and the next essay, proceed to examine some of the modes of civil government. Having suggested an idea of sovereignty, we are naturally led, in the next place, to enquire where the sovereign power is deposited, in the organization of civil government ; and this leads us to examine the different kinds of governments, existing among men.

Political writers and theorists divide the different kinds of government into three : viz. Monarchy, Aristocracy, and Democracy ; and they affirm, that all civil governments must necessarily be, in form, one or the other of these, or else a compound of two or more of them.

A simple monarchy, is where one man

governs the whole community by the power of his will, and is frequently denominated a despotism.

A simple Aristocracy exists, where a few great and powerful men, have the whole authority of government in their hands.

And a simple Democracy is where the whole people retain in their own possession the power of governing themselves.

Or in other words, a simple monarchy is where the sovereign power resides in one man ; a simple aristocracy is where it resides in a particular class of men ; and a simple Democracy is where it resides in the great body of the people. (a)

History affords examples of these various kinds of governments ; and Great Britain exhibits a compound of all three of them. In England there is a monarch, a House of Lords, or an Aristocracy ; and a House of Commons, or the Democracy, composing the sovereign power.

The government of the United States, as well as the governments of the several states,

(a) Burlemaqui's Prin. of Nat. and Pol. Law. Vol. 2. Part 2. Chap. 1.

Reflections of Polybius on the different kinds of Gov. Polyb. 1. b.

Montesquieu's Spirit of Laws, Book 2. ch. 1.

are in principle democratic ; the people in all being the depositaries of sovereignty : but our governments are more properly denominated REPUBLICAN ; because the people do not exercise the sovereign authority themselves, but appoint their agents and delegates for this important purpose. (b)

ESSAY IX.

AN IDEA OF THE GOVERNMENT OF THE UNITED STATES, IN CONNECTION WITH THE STATE GOVERNMENTS.

THE United States of America is a confederation of republican states ; each state having a government peculiar to itself, in all which the people are the source of power. The government of the U. S. derives its authority from the grants and cessions of power, made to it, by the States : the States retaining all power, which has not been expressly or impliedly granted by them to the United States.

The nature of this organization is such, that the particular interests and concerns of each state, are superintended by its own state

government, while the interests, which are common to all the states, are under the control of the Federal Government. Hence it is, that the regulation of commerce, question of peace or war ; the admission of new states into the Union ; the regulation of the national currency ; and other concerns of general interest, are exclusively under the control of the Federal Government.

While the British Constitution is checked and balanced by the existence of three distinct, independent, and coordinate branches of the Legislature, consisting of King, Lords, and Commons ; the balance of our Federal Government, in one respect, seems to rest upon the well defined distinction, of rights and powers, existing between the Federal and State Governments.

Each state, laudably jealous of the rights, which have not been ceded to the Federal Government, is bound to oppose the United States in any encroachment upon them. And in like manner, the United States should never suffer any individual state to retrench any part of the sovereign authority, delegated by the Federal Compact. Nothing is more essential to the orderly existence of the federal government and the general wel-

fare of the particular states, than a faithful and vigilant observation of these mutual checks.

It is true, that in the Federal Legislature, as well as in the Legislatures of most of the states, there are three distinct, and co-ordinate branches ; yet, these do not check and balance the various governments, like the three branches of the British Parliament.

By the theory of the British constitution, the King, is in fact independent of the people, and the Lords, and so are the Lords independent of the people and the King : the people, also, by their representatives, the Commons, form an independent, and co-ordinate branch of the English Legislature. These three, derive their power and authority from different sources, and having each separate and distinct interests, compose the sovereign power. From the distinction of interests, therefore, inherent in the British Legislature, it results that the laws must be framed in reference to the combined interests of the whole : and hence a law of parliament has been properly compared to an indenture *tri partite*, or contract, between three parties.

But under the federal government, as well

as under the governments of the several states, although in most cases there are three branches in the legislature, yet, these do not operate to check each other, like the different branches of the British Parliament. True it is, that by the Federal constitution the President is elected for four years, the Senators for six, and the Representatives for two : but, nevertheless, all of them derive their origin from the same source ; the people are the parents of all three, and all three may be compared to water, running from the same fountain, by separate issues ; destined to return to it again, after limited periods.

These remarks, however, are not intended as a panegyric upon the English Constitution ; but merely to suggest an important difference, between the balance of that government, and our own national constitution.

In addition to the checks, arising from the nature of the Federal and State Governments, there is another of great efficacy, operating through the whole of our system. (a) Here our fundamental laws, or constitutions of government are accurately defined by written

(a) Rhode-Island is the only State in the Union without written fundamental laws.

instruments ; and these prescribe, the rights of the people and the power and authority of government. Any law made, in repugnance to these instruments, is of no effect ; they operate, therefore, as perpetual checks against an abuse of power.

In Great Britain the constitution rests in the immemorial usage and custom of the country ; and it is one of its acknowledged principles that parliament has a supreme, and unlimited legislative authority. (b) It is, indeed, admitted by all, who know anything of the British Constitution, that Parliament can pass no unconstitutional law. This unlimited authority, however, is checked in its exercise by the peculiar composition of the British Legislature, the supposition being that the three distinct orders and interests constituting it, could never be brought to concur, in any measure, palpably hostile to the general welfare of the Country. But, as our government supposes no distinction of interests or orders among the people ; and as our legislatures derive all their authority from the great mass of the citizens ; written fundamental laws, operate as the

(b) Vide note (d) under Essay 8.

strongest barriers against an inordinate exercise of power.

In drawing this conclusion, we are naturally led to contemplate the importance of the Judicial authority, established by our constitutions, in its operation as a check upon any unconstitutional exercise of power, by any other branches of the government.

Fundamental laws would be useless, and worse than useless, if they might be disregarded or neglected, in the administration of the government: it is therefore within the authority, delegated to our judicial tribunals, to refuse to give effect to any unconstitutional laws or ordinances. The judicial authority, thus constituted, operates continually, to keep the administration of government true to its fundamental laws, and original principles.

ESSAY X.

OF THE ELECTIVE FRANCHISE.

IN the government of the United States and in those of the several states, the people, it has been remarked, are the fountains and sources from whence all authority flows.

The laws therefore which regulate the expression of their wills are among the political foundations of the state, and deserve a consideration among the fundamental principles of free governments.

The great body of the people, under our republican institutions, express their will, in the choice of their representatives and public agents, generally, by their votes : the laws, therefore, which regulate the right of voting are peculiarly important. By our various constitutions of government, the elective rights of the people are so thoroughly defined as to need no explanation here : they are placed beyond the reach of faction and party, the palladium of the public liberty.

The laws, in relation to these important rights, are so sacred, that their violation ought always to be regarded, as an usurpation upon the national, or state sovereignties. No individual, who is not qualified by the laws of the country to vote, in public affairs, ought to be permitted to exercise elective privileges. Indeed, whoever presumes, in this country, to vote in any public matter, without a constitutional right, does violence

to the public liberty, by contaminating the fountain of all authority ; and such an individual deserves exemplary punishment.

Montesquieu says : " At Athens, a stranger who intermeddled in the assemblies of the people was punished with death ; and this," he continues, " was because such a man usurped the rights of the sovereign." (a)

(a) Montesquieu's Sp. Laws, book 2d., chap. 2d.

PART II.

Prefatory Observations.

THE first part of this treatise, has been devoted to a brief examination of some of the elementary principles, and political properties of free states, as well as to a short survey of our own plan of government: we are brought, therefore, by a gradation, not altogether abrupt, to contemplate the practise of free states, in the administration of their affairs.

After the fundamental laws of a nation have been established, upon rational and clear principles by the people, the structure of government is complete; and its operations may commence, in conformity to the standing rules prescribed by the constitution. We say in conformity, with the standing rules prescribed by the constitution: because original compacts, and political constitutions, will be to nations idle and useless formalities, if the sacred principles contain-

ed in them, are neglected and violated in the administration of the government.

The civil administration of every sovereign and independent state, naturally divides itself into two great departments, usually denominated, the internal or domestic, and the external or foreign relations of the state. These, again, are each susceptible of more numerous subdivisions : thus in this country, we have the Department of State ; of the Treasury ; of the Navy ; and, of the Army &c. In our various legislatures, we perceive, also, that a correct dispatch of public business requires a division of it, among various committees : thus for instance, in the national legislature, we notice committees, of Foreign Affairs ; of Ways and Means ; of Commerce and Manufactures &c. It would, however, far exceed the limits of one volume, to enter into a minute, and detailed discussion of every subject of civil administration : we shall therefore notice only some of the more prominent, and cardinal subjects, embraced in the foreign, and domestic concerns of the nation.

In pursuance of this plan, the second part of these essays, will be devoted to a consideration of some of the most conspicuous

subjects, referable to the internal concerns of our country: and, although the view contemplated, is but a restricted one, the task may be too difficult to be successfully accomplished. But be this as it may, the course prescribed, will not confine our views, exclusively, to the administration of the Federal Government, but we shall assume a latitude wide enough to embrace, a notice of many of the duties of the several states, relating to their internal concerns. The blending of our views, in this manner, will be accompanied with an endeavour to steer clear of a confusion of ideas; and hopes are entertained, that this method may prove subservient, to a more clear exposition of the relative duties of the Federal, and State Governments, in relation to the advancement of the public happiness and prosperity.

To promote perspicuity, therefore, the succeeding essays will be classed; and an idea of the general scope and object of each class, appertaining to the second part of this treatise will be now suggested..

The tendency of the first class proposed, will be, it is hoped, to promote the growth of sincere piety, virtue and useful knowl-

edge in our country: "a consummation "devoutly to be wished."

The second class will treat of those subjects which relate to the public defence; and will disclose the necessity of being at all times, in some degree prepared for war, in order that peace, may be the more constantly preserved.

In the third class the interests of Agriculture, Commerce, and Manufactures, the great sources of national wealth, will be examined: and because these constitute the great sources of public income, and because their success and prosperity depend in a great degree upon a judicious system of taxation; an essay on the revenue will be included in this class.

The fourth class however will contain, also, some essays on the fiscal concerns of the nation; and thus the second part of the treatise will be concluded.

This, it is true, may seem a bold out-line; and the cautious reader may smile at the temerity of him, who proposes to fill it up in a few short numbers; but be it remembered by all, that *we write not that people may read, but that they may think.* He, therefore, who thinks thoroughly, though he may not read

much upon the regulation of the internal concerns of his country, will realize the importance of them, as well as the great attention they deserve. The foreign relations of a nation cannot always be controled, and regulated by the wisest governments : because foreign powers, actuated by unjust views, frequently interfere with them, and disconcert the happiest schemes of foreign policy. In our country, it must be expected, that the interruption of our foreign relations and arrangements, will, at times, subject us to temporary embarrassments, privations, and collisions : our domestic policy, therefore, should be so well regulated, as to render the government, and people secure within, tho' the storms of war should rage without.

ESSAY I.

AN IDEA OF THE SCOPE OF THE FIRST CLASS.

VIRTUE and knowledge constitute two of the great moral pillars of a republican state, and every intelligent mind, will discover the necessity of promoting both the one and the other. In relation, however, to these animating subjects, experience teaches us, that al-

though the progress of knowledge may be greatly accelerated by the active measures, and positive laws of a country; yet the growth of piety and virtue cannot be coerced.

It is true, that the laws may compel men to respect each other's rights, and to perform their positive obligations to each other, and the public; but the beauty and strength of society consist in having all the duties of imperfect obligation held in esteem, and the positive laws obeyed; not from the fear of penalties, and punishments; but from a sense of moral and patriotic duty. Sincere religion, and true virtue, of all things, will be the most efficacious in bringing about such desirable results: but piety and virtue are qualities, and exercises of the heart; and the heart cannot be reached and purified, by the direct operation of human laws. To be sure, the indirect effect of human laws, may have a happy influence in increasing, and extending the principles of piety, virtue, and honour: but the positive institutions, establishing the supremacy of one religious denomination over others, have, too frequently, been but the tocsins of civil discord, and slaughter; before the ravages of which, affrighted virtue has fled into the mountains, and the des-

erts. Human laws which subordinate one denomination of christians to another, may serve to conform the exterior man, in some instances to prescribed formalities ; but the scrupulous observance of formalities, will frequently be found to cover the grossest hypocrisy, and turpitude of heart.

True religion, and virtue must be advanced by other means ; they require a gentle culture ; and they are too spiritual, in their natures, to yield to civil penalties and disabilities. Yet, tender and celestial, as are the sentiments of piety, and virtue, we must not despair of cultivating them successfully : and no proper, and effectual measures must be left untried to sustain and extend their beneficent influences. Atheism and impiety are as dangerous to society, as to individuals ; and every good man, be his walk in life what it may, ought to co-operate to repress their devastating effects. It need not be added, that it is the peculiar duty of all such, as are placed in the direction of affairs, either in the administration of our federal, or state governments, to keep constantly in view the advancement of truth, and knowledge ; of integrity, and honour, and all the virtues, which adorn the republican character.

The eight succeeding essays, on the Public Worship of God ; on Education ; on Good Morals ; on Patriotism ; on the Liberty of the Press ; on the Exercise of the Elective Franchise ; and those on the Administration of Justice ; on account of the affinities existing between them, will constitute the first class of the second part of these essays. And it is apprehended, that the subject of each is susceptible of views calculated, in a greater or less degree, to promote the cause of virtue, and the diffusion of knowledge and science.

ESSAY II.

OF THE PUBLIC WORSHIP OF GOD.

BEFORE we proceed to consider the happy consequences, which must infallibly attend the rational and sincere worship of Almighty God, it may not be amiss to enquire into the evidences afforded by nature of the existence of a Deity. An attempt of this kind may possibly be deemed superfluous by those, who take the scriptures, as the rule of their faith : but, when it is remembered that there are individuals, who affect to es-

teem Revelation, as an imposition upon the credulity of mankind ; the enquiry proposed may not be useless, or improper.

The contemplation of our own wonderful organization and powers, is enough to fill us with astonishment, but this is greatly increased, when we survey the visible creation, spread wide before us, in all the majesty of nature. The various inhabitants and productions of the earth, sea, and air ; the order of the seasons ; the regular alternations of day and night ; the structure of the globe ; the resplendence of the sun ; and the milder lustre of the stars ; all unite in forcing upon the mind of the most careless observer, an idea of a great first cause. In addition to this, when it is considered, that the earth upon which we stand, pursues its course through the regions of space, sustained amid airy nothing, by the influences of attraction and repulsion : when we reflect upon the continual change of position to which most of the heavenly bodies are subjected ; and upon the constancy, harmony, and order, which are inseparable from their revolutions ; it will be difficult, for a rational being to acquiesce in the doctrine of the atheist, and ascribe

the appearances of nature to a fortuitous congregation of atoms.

It is idle, in the extreme, we apprehend, to attribute the appearances of nature, and the multifarious organization of matter to chance : " Those," says Montesquieu, " who assert that a blind fatality produced " the various effects we behold in this world " are guilty of a very great absurdity ; for " can any thing be more absurd, than to pre- " tend that a blind fatality could be produc- " tive of intelligent beings ?"

In truth, all our habits of thinking, and the dictates of common sense teach us to infer a cause from every effect ; and all our argumentations *a posteriori*, are agreeable to this method of reasoning. Hence it is, that we are constrained, (for opinions are not voluntary,) to believe, that the Creation had an adequate cause : that cause, then, is God.

It has, however, been asserted, by some philosophers, that there is no discoverable connection between cause and effect, and that all we know upon this subject, results from having observed certain things or causes as they are called, constantly followed by certain other things or effects, as they are called : and this experience, it is said, fur-

nishes no proof, that one thing is the efficient cause of the other ; as this extraordinary concurrence may take place upon some unknown natural principle, totally different from our notions of efficiency. But in searching after truth, we must be careful not to bewilder ourselves by too many over nice refinements, which are only calculated to divert the mind from tangible truths, to the pursuit of shadows and illusions.

Notwithstanding all the specious doubts, which a sceptical philosophy may excite, it would be impossible to satisfy a man of plain understanding, that his present existence is altogether a matter of uncertainty ; and that the regular operations of his mind, of which he feels a consciousness may be nothing after all but phantasms. Of our own existence, and the operations of our own minds we are confident ; nor are we less certain of the existence of surrounding objects.

From the inseparable connection, which we have always observed, between what is called cause, and what is called effect, we cannot separate in our own minds the one from the other, in such a manner as to ren-

der them in our belief independent of each other. The constant and uninterrupted connexion, which we have uniformly noticed, in the succession of effect to cause, has begotten a corresponding habit of thinking, and course of reflection: and, hence it is, when we contemplate the visible creation the idea of a cause continually occurs to us. Nor is it possible for us, by any effort of the mind, to imagine the visible creation to be destitute of cause, any more than it is possible for us to form a conception of a brazen colossus, standing in the air, sustained by nothing.

Having arrived at this point, the cautious enquirer will stop to ask, whether the cause of the visible creation now subsists; or whether it may not have subsided: because effects are frequently visible, long after the causes which produced them have subsided.

If a man strike a billiard ball, the blow is the cause of its motion, but the cause is only of momentary existence, while the effect of it continues for a considerable time.— Admitting, therefore, that *there was* a cause for the visible creation; we must yet proceed a step further and satisfy ourselves,

whether that cause is still subsisting and operating, before we can arrive at the conclusion, that the cause is an existing being. Let us therefore endeavour to satisfy ourselves, by the light of natural reason, upon this point.

So far as experience furnishes a guide, subsiding causes are always followed by subsiding effects. The billiard ball ceases by degrees to move after the stroke, which excited its action, has subsided: the watch ceases to go the moment the main-spring is relaxed: and the mill wheel ceases to revolve the moment the water is excluded. If, however, the billiard ball was constantly under the operation of the stroke, it would continually move; if the watch was continually under the impulse of the main-spring, it would continually go, the work being in order; and thus it would be with the mill wheel, as long as the water pours upon it. Wherever, therefore, we perceive a subsisting and continuing effect, we infer a subsisting and continuing cause; and in like manner, we infer from a subsiding effect, a subsiding cause. This is the operation of the human mind on subjects of this description; and it is impossible that it should operate other-

wise : let us, then, apply the principle we have endeavoured to establish to the case before us.

The most remote ages found the visible creation, governed by the same natural laws, as at the present day : the same stars, which now shine in the firmament, were observed by the earliest astronomers : and the revolutions of the earth round the sun, are performed now, in the same space of time, as they were thousands of years ago : therefore we infer, that the original cause of the visible creation continues now to operate, in the same manner as at first.

The general conclusion, which results from the foregoing remarks is, that an existing God is the author, and governor of the Universe. The attributes, therefore, of a being so exalted and wonderful, must be a subject of the deepest interest to every intelligent being ; and we shall now endeavour to discover, by the light of reason, whether God be intelligent, benevolent and just.

In respect to the intelligence of the Divinity, it may be remarked that the Deity cannot be otherwise, than an intelligent being ; because the mode of argument, before stated, which turns upon the operation of

our own minds, will be enough to satisfy us upon this point, as well as upon the others. How can we separate the plan, method, and design, apparent in the Universe, from the idea of intelligence in its author ?

But, to make this matter more plain, we will suppose the case of an atheist, who is cast away upon a desert island, where no trace of a human being, or any other animal is perceptible. In the course of his travels over the island, the first thing, which he meets with, worthy of notice, is the deserted habitation of a beaver. He observes its structure attentively, and admits within his own mind, that the animal which made it, must have been sagacious. With this reflection he passes on, and discovers at a distance a hut, which upon a near inspection, turns out to be the abandoned dwelling of an Indian. This is built by the side of a fountain, has a door calculated to open and shut, and is accommodated within with a rude fire-place. At sight of all this, the atheist naturally remarks upon the superior wisdom of the animal that constructed it ; and concludes, that its rank, in the scale of intelligences, must have been far above that of the animal, which

erected the structure, he had first seen upon the island. But still pursuing his course, he discovers at last upon an elevated spot of ground a magnificent palace, built with every convenience of life, and all the decorations of taste. Struck with admiration at the view of this beautiful edifice, yet seeing no living creature around him, he nevertheless exclaims, surely the being, that constructed this elegant mansion, greatly surpassed in intellectual power and ability, the architects of the other habitations, which I have left behind !

Now, in drawing these several conclusions the atheist would follow the dictates of reason : for as he had always found method, and design to be the offspring of intelligence ; and the designs of men, and beasts, to be more or less perfect, according to their different degrees of mental capacity, he would properly infer, that the evidences of design, which he had discovered upon the island, had been reared, under the superintendance of intelligences, more or less, perfect.

Admitting, therefore, his conclusions to be correct, the Atheist would have advanced a great way, in dispelling the darkness, which overshadowed his mind, in relation to the

existence and intelligence of God. Indeed, he might well proceed a step farther : he might say, if the edifices which I have seen in this island, satisfy me beyond the possibility of doubt, that the animals, which constructed them, possessed minds, induced with a greater or less degree of intelligence, proportioned to the nature of their works : how vast must be the intelligence of that Being, who originated, and who sustains the visible creation, so replete with evidences of design !! In truth the works of the Deity display the vastness of his intelligence.

Of the nature of the Divine Mind, we may know something, also, from the light of nature and reason. And first the Divine Mind, it is evident, must be of an order entirely different, and infinitely above the human mind. The human mind is dependent for its knowledge, upon the impressions made upon it by surrounding objects ; whereas, the Divine Mind must have existed antecedent to all objects, and existences, which are the sources of human impressions. The mind of God, therefore, from its own intuitive power, must have designed that universe, which his hands have executed. This view of the subject, also, leads us to another

conclusion, no less important, than the foregoing : for it satisfies us, that the mind of God, in the very nature of things, must be independent of matter ; and it refutes the doctrine of the atheists, asserting God to be nature, and nature, God.

That the Ruler of the Universe, is a benevolent being, we think to be equally clear, from the light of reason. It is true, that very learned men, among the clergy and laity, have entertained a different opinion ; but we do not see, after all, how the conclusion suggested can be avoided.

The word Benevolence, imports a disposition to do good, and as this disposition supposes a quality of the mind and heart, we have no way of judging of the benevolence of beings, independent of ourselves, but by their actions, and dispensations. Let us then exercise the same mode of reasoning, in relation to the Divinity, which we exercise, in regard to our fellow-men. If we esteem an individual good, and benevolent, who is continually heaping favours upon those, to whom he is under no obligations ; for like reason, let us yield to the Giver of every good and perfect gift, this celestial attribute.

Every intelligent being esteems life as the greatest of all earthly blessings, tho' enjoyed under the most disagreeable and adverse circumstances: God being the author of life, is then the giver of the greatest earthly favour. But how are we to reconcile, it may be asked, the permission of earthquakes, tempests and pestilence, with the benevolence of the Deity? The reply is simple:—these things which are permitted in the economy of nature, tho' viewed too frequently, by finite man, as partial evils, would be esteemed if rightly understood, as the efficient causes of the greatest degree of general good. And if in the devastations of the storm, or the desolations of the pestilence, man frequently falls a victim; the benevolence of the Almighty remains unimpeached. Man has no right to complain, that his days are not prolonged; he ought to be thankful for the measure which Providence has allotted to them. As well might he repine at the decrees of heaven, which have determined his mortality, as complain of the dispensation, which cuts him off, in the flower of his youth: the wise, and the good man neither solicits, or declines the inevitable stroke of destiny. Yet, when we see those, whom we love,

stretched upon a bed of sickness, and associate with their pains, and anguish, the ideas we entertain of their innocence and virtue; the mind for a moment misgives, with regard to the benevolence of God: but the doubt is soon dissipated, when we reflect, that even those, who have passed through life, under the most distressing circumstances, would receive it again, with the same pains, and the same pleasures, with gratitude, from the hand of their Creator.

But, when we consider the portion of happiness allotted to other animals; the thousand enjoyments, and pleasures with which human life is generally sweetened; and the inspired resignation with which the good and virtuous surrender it, when Providence requires it; the benevolence of the Author of our existence, is eminently manifested.

The enquiry has now proceeded far enough to display the infinite power, wisdom, and benevolence of the Creator: and it remains only, that we attempt to demonstrate his justice. But this is already done: for that Being, who is infinite in power, intelligence, and benevolence, must necessarily be just. His infinite wisdom enables him to

discern, at a glance, all the relations of justice : his infinite power enables him to preserve them : and his infinite benevolence prompts him to exercise these divine attributes with inflexible constancy, unless in instances, where he relaxes from justice, for the sake of mercy.

Although the same conclusions may be arrived at, by taking other views of the subject ; yet these, which have been presented would seem to be sufficient to satisfy us, that God exists ; that he has power, intelligence, and benevolence, to a degree, beyond which we are incapable of supposing any thing superior. But, notwithstanding this, the Atheist, with an air of supercilious triumph, in relation to that part of the argument, which relates to our notions of cause and effect, may demand of us to explain, upon our own principles, *the cause of God.* An interrogatory of this kind, we apprehend, is easily answered : for well may it be said in reply to it, that we have ascended in the investigation, as high as human reason will permit, and that we have no data for further argumentation. In truth, it is enough for us, that reason teaches us, the existence of a being, beyond which we cannot conceive of another, more infinite in pow-

er, wisdom, benevolence and justice.

Since then reason as well as revelation teaches us, that God exists, and that he is infinite in power, intelligence, benevolence and justice: and that consistently with his divine attributes, he can as easily contemplate the actions of nations and individuals, as he can the motions of the planetary system: it behoves all men, and especially those, who are called to preside over nations and commonwealths, to think of their duties, and obligations, towards that Power, by whom we live, move and have a being. The rational worship of this Almighty Being, is most surely a duty, which ought to be sincerely performed by all, according to the dictates of conscience. Nor can any state or nation, be acting in opposition to either duty or policy, which encourages, by all suitable means, the support of a religion, which while it inculcates the exercise of a portion of that benevolence towards our fellow creatures, which God so abundantly exercises towards us; guards and purifies the marriage bed; secures the performance of every duty of imperfect obligation; and renders the grave itself, to the good man, only the gate to another, and a better world.

Banish the christian religion from a state, and what will constitute the basis, and preservative of morals? To be sure the glare of chivalric honour may linger behind, but, this after all, will only render the state like a whitened sepulchre; fair without, but full of rottenness within. Banish religion, and where will be the security against perjury, and the numberless evasions, which the disingenuous witness will practice in the tribunals of justice? And where will be the security against the commission of crimes, when opportunity promises impunity to the perpetrator? In the absence of religion nothing shall arrest the arm of the mid-night assassin, who thinks the blow he meditates, will be, "the be all, " and the end all here."

Behold the wretch, who seizes upon female innocence, and gluts upon her pure, and unpolluted body, his brutal appetite, and who, to escape detection, sheaths a dagger in her agonised bosom; and you shall see a miscreant, who laughs at the idea of a future state, and ridicules the very existence of a God.

(b) Vide Hume's Essay "of the Academical or Sceptical Philosophy."

ESSAY III.

OF EDUCATION.

IF it becomes states and nations, to countenance and encourage the rational worship of Almighty God, by all suitable means ; they have an equal interest, in restraining the progress of fanaticism, and in dispelling the clouds of superstition. Fanaticism and superstition are the progeny of Ignorance ; and in the dark and benighted ages of society, this sullen mother and her wayward children, have ruled the frantic world.

The revival of learning, and the invention of printing, by contributing to the diffusion of knowledge, gradually dissipated, in Europe, the gloom of barbarism ; facilitated the progress of the Reformation ; and opened, by degrees, the eyes of a large portion of mankind. In this age, therefore, it ought not to be forgotten, that learning and knowledge are the happiest auxiliaries of sincere piety and virtue ; as well, as the chiefest securities, against superstition and fanaticism.

While science and knowledge happily aid in illustrating the relations, which exist be-

tween God and his creatures ; they cannot fail to shed the clearest light, upon the relations, existing among men : and hence it is, that their cultivation becomes so important, as the surest means of preserving pure religion and rational liberty.

Lycurgus, the Spartan, resolved the whole business of legislation into the bringing up of youth ; endeavouring thus to interweave the principles of the government with the manners and breeding of the people. The wisdom of the Lacedemonian law giver in this, was conspicuous ; for nothing can be more politic in a legislator, than to mould the manners, and habits of a people, in conformity to the spirit of the civil institutions, under which they are destined to live.

The tendency of the Spartan education was to prepare the pupils to be daring and expert in war. "Leonidas," (says the Historian Gibbon) "and his three hundred companions devoted their lives at Thermopylae, but the education of the infant, the boy, and the man had prepared and almost ensured, this memorable sacrifice."

The force of education is prodigious ; and it is certainly desirable, that a people living under a republican form of government,

should give it such a direction, as to render it subservient to the promotion of republican habits and sentiments: and nothing can be more efficacious in promoting such desirable results, than a course of education, conformed to the obvious policy of free states. At an early age, children are capable of imbibing many useful and valuable impressions; and, indeed, it is in childhood, that the seeds of morality, and patriotism, are to be the most advantageously sowed. With a view, therefore, of implanting in the bosoms of our youth, that virtue, which is inseparable from true knowledge; children ought not only to be instructed in the social, moral, and religious duties of life; but patriotism should be presented to their young and glowing minds, as one of the most exalted duties towards the public. A blind attachment, however, to one's country can never be desirable; for it is only that affection, which results from a knowledge of the benefits it is capable of affording to the human race, which deserves the name of virtue.

To the end then, that an enlightened patriotism may exist, some knowledge of the principles of our political institutions, may be profitably imparted to the youth of Amer-

ica, as a part of their education. Let them be instructed, that while it is their duty to obey the laws, they will always have the right of discussing their merits, and the power of repealing such, as may operate disadvantageously: that government is instituted for the happiness of mankind; and that in proportion, as it advances this desirable object, it is entitled to the support and confidence of the people. These and a variety of other precepts like them, are capable of a thousand illustrations, calculated to make strong impressions on the minds of youth, and to render them in the end useful citizens.

Pufendorf tells us, that public schools are of great advantage in promoting the best interests of society: "If (says he) they are "employed for the teaching, not of useless "trifles, and the invention of idle brains, the "relicues of the *Kingdom of Darkness*; but "solid learning and knowledge; the use of "which diffuseth itself through all the busi- "ness of life. Amongst these studies, the "chief is that, which, upon sound and ra- "tional principles, explains the right of sove-

"reigns, and the obligations correspondent
"to it, in the subjects." (a)

Books containing this kind of information cannot be employed amiss, in any of our schools; and when a course of education of this description, is judiciously combined with a proper system of moral and religious instruction, it must have a visible tendency to expand, enlarge, and elevate the minds of children.

Burlemaqui, goes so far in relation to this important subject, as to observe, that "it belongs to the sovereign alone to establish academies and public schools of all kinds, and to authorize their respective professions. It is his business to take care, that nothing be taught in them, under any pretext, contrary to the fundamental maxims of natural law, to the principles of religion or good politics; in a word, nothing capable of producing impressions prejudicial to the happiness of the state."

This excellent writer, in another part of his work upon the Principles of Natural and Politic Law, in reference to the same subject, remarks, "the first care of a prince ought to be to erect public schools for the

(a) Pufendorf's Law Nature, &c. book 7. section 4.

“education of children, and for training them
“betimes to wisdom and virtue. Children
“are the hope and strength of a nation. It
“is too late to correct them when they are
“spoiled. It is infinitely better to prevent
“the evil, than to punish it. The King who
“is the father of all his people, is more par-
“ticularly the father of all the youth, who
“are, as it were, the flower of the whole na-
“tion. And as it is in the flower that fruits
“are prepared, so it is one of the principal
“duties of the sovereign to take care of the
“education of youth, and the instruction of
“his subjects; to plant the principles of
“virtue early in their minds, and to maintain
“and confirm them in that happy disposition.
“It is not law and ordinances, but good mor-
“als that properly regulate the state.” (a)

We shall conclude this paper with a sin-
gle reflection. If the duty of properly edu-
cating children is so strongly recommended
to kings and princes, how much more em-
phatically does the obligation urge itself,
upon the rulers and representatives of a free
people!

(a) Burlemaqui, volume 2. part 2. chapter 8. section 28.

ESSAY IV.

OF THE ADVANCEMENT OF GOOD MORALS.

WASHINGTON, with paternal affection, has told us, that of all the dispositions and habits, which lead to political prosperity, religion and morality are indispensable supports.

Although religion is the surest basis of morality, yet it is acknowledged, that the latter may exist, where religion in a strict sense, does not: and as morality alone is productive of valuable consequences to community; however distant it may be from true piety, the community have a deep interest in its advancement. Indeed, a people that are really moral, will be found to obey the laws from a moral principle, and like the fabled inhabitants of Latium, be just, not so much from legal obligations, as from volition, and the religion of the country. (a)

But although, in this world, we cannot expect to arrive at a state of moral perfection, we are inexcusable if we neglect the means,

(a) —— Neve ignorare Latinos

Saturni gentem, haud vinclo nec legibus æquam,

Sponte sua, veterisque Dei se more tenentem.

Med. Lib. 8. line 202.

within our power, to keep the cause of virtue and morality alive. In pursuing the business of legislation, and in every other part of the administration of government, 'care should be taken to check the progress of vice; and to promote, on the part of the people at large, that moral conduct and feeling, which are so highly honourable, and beneficial, to community.

To this end, the laws ought to be so framed, as to furnish as few inducements to the breach of them as possible; while their penalties should be such, as to counteract the motives which prompt to their violation. Idle and useless laws are to be avoided, for such weaken the respect, which will naturally exist for the good and useful regulations of society. But laws, intended for the general benefit, will sometimes conflict with the interests of a particular, and influential portion of society; and when this happens to be the case, the legislature have a difficult task to perform. The interest of the public, and the cause of morality, however, require that laws of this description should be framed in such a manner, as to leave but few inducements for their violation. Among a free people, also, the public sentiment should if possible,

co-operate with the penalties of the laws to ensure their faithful observation : and whatever may be thought of the expediency of a constitutional law, the wilful violation of it, ought not only to subject the violator to the penalty, but also to the disfavour of his fellow citizens.

The cause of morality, evidently, may be greatly promoted by a judicious exercise of the power of appointment to offices under government. In a country, so commercial as ours, our revenue officers, from the highest to the lowest ought to be men of sterling and established integrity ; and all officers, having the charge and collection of public money, should be men of the strictest probity, as well as men of sufficient capacity. Government should not be content merely with parchment and wax, as a security for the faithful performance of duty ; but it should, in all cases have the additional security of a fair and upright character. If those to whom the disposition of public offices is confided, disregard the character and talents of candidates, and suffer themselves to be guided by prejudices or partialities, they are themselves guilty of a gross dereliction of duty.

Helvetius, in his chapter, on the means of

securing virtue, has this remark :—“ A ruler has a thousand places to bestow; he must fill them up; and he cannot avoid rendering a thousand people happy. Here then his virtue depends only on the justice and injustice of his choice. If, when a place of importance is vacant, he gives it from friendship, from weakness, from solicitation, or from indolence, to a man of moderate abilities in preference to another of superior talents, he ought to be considered as unjust, whatever praises others may bestow on his probity.” (b)

Great and useful civil, naval, and military services deserve to be suitably commemorated and rewarded. The Army and Navy ought to be under the direction of brave and honourable officers; but personal courage, or splendid achievement, ought not to operate as screens, for oppressive, or dishonorable conduct. Our great men ought to be like Cæsar’s wife, not only pure, but above the suspicion of impurity: thus would honour and morality become the *Esprit de Corps*, and the national character be more and more exalted for integrity, generosity, and bravery.

By a law of the Twelve Tables, the Ro-

(b) *Helvetius De L’Esprit.*

mans were enjoined to worship those commendable qualites, by which their heroes were supposed to have obtain'd Heaven; such as understanding, virtue, piety, and fidelity: but they were strictly forbidden to reverence any vice: thus the skill of the Roman Theologists decreed an apotheosis to those virtues which advanced the order, and strength of society, and promoted the happiness of mankind. If this was the case at Rome, let us, in this country, with more enlightened zeal, emulate the virtues and examples of our great men: for in virtuous examples of characters we are by no means deficient.

Marcus Aurelius Antoninus, at an early age, embraced a philosophy, which taught him to submit his body to his mind; his passions to his reason; to consider virtue as the only good, and vice as the only evil. Principles like these, were calculated to render those happy, over whom he was called to preside: and principles like these, guiding the operations of great minds, will always promote the happiness of society, and have a tendency to elevate honour, morality, and benevolence, upon the ruins of dishonesty, turpitude, and malice.

But, if, the perfect establishment of vir-

tue upon the ruins of vice, is not to be expected, from the steady application of the means, within our power ; no harm can result from persevering in the experiment : for all men will readily acknowledge, that an honourable and intelligent nation, influenced by a rational religion, and the dictates of a pure morality, would continue to exhibit such a degree of internal happiness, strength, and order, as would furnish the best assurances of its liberty and independence.

ESSAY V.

OF PATRIOTISM.

THE Count de Sigur, in his life of Frederick William II. in allusion to Malesherbes, who was selected for one of the professional advocates of Louis XVI. before the Revolutionary Tribunal observes : “ We cannot “ pronounce this name without respect, nor “ without shedding tears of sorrow and ad-“ miration.

“ Virtuous without pride, learned without “ pedantry, a minister without ambition, this “ illustrious magistrate, the friend of men,

“ of the laws, of letters, and the arts, distinguished in every way, and never deviating from true glory, was ever the supporter of the people, whilst the King was powerful in his palace ; he never became a courtier till the moment the prince was in prison. The supporter of national liberty against the abuses of the monarchy, and the defender of the monarch against popular tyranny, his probity remained uncontaminated in the midst of general corruption ; his courage unshaken when fear was universal. He perished while crime reigned ; the most heroic death crowned the most noble life, and the infamous scaffold, which he ascended without emotion, was the last point from which his pure soul rushed towards immortality.”

What a beautiful description is this of elevated patriotism ! And among the virtues, which ought to adorn the character of every good citizen, patriotism or love of country is not the least. An ardent attachment, on the part of the people, towards their country, is an invaluable resource to the nation, in the hour of difficulty. It was the operation of this exalted virtue, which induced Warren to offer up his life for his country, and to

exclaim the evening before the fatal day,

"*Dulce et decorum est, pro patria mori.*"

That true patriotism and integrity of character are intimately connected, needs no argument to demonstrate: the example of the virtuous Malesherbes, represents this union in the most affecting colours. And Warren, the American Leonidas, over whose grave every patriot sheds a tear, beaming with sorrow and admiration, loved his country with the heart of an honest man.

Whatever has a tendency to promote patriotism, has a tendency also to elevate and refine morality, and to extend the influence of benevolence. And whatever has a tendency to render men entirely selfish and sordid imperceptibly depraves their moral sense, and banishes from the heart every patriotic affection.

In every state and nation, where the public interest has been consulted, agreeably to the dictates of true wisdom, patriotism has been fostered and cherished, and whatever has had a tendency to weaken it, has been discouraged, as dangerous in its consequences to political society. In free and republican states, the advantages of patriotism are peculiarly manifest.

The ponderous and oppressive machinery of a monarchy, may be sufficient to govern and control the people, after patriotism is extinguished. A vigorous monarch may, not only defend his subjugated vassals from foreign attacks ; but, he may lead an alienated people to new conquests : but what will be the situation of a republican state when the patriotism of the people is extinguished ? It need not be answered, that weakness and distraction will ensue.

The patriotic feelings of a people may be weakened or destroyed in various ways : they may be enervated by luxury, and destroyed by oppression. Nor are these the only causes, by which they may be affected ; the attacks of direct corruption may pervert their operation ; and trade, commerce, and speculation, may lull them to sleep. If however, patriotism and fidelity to country are assaulted by the direct attacks of corruption, made upon any of our citizens, it may be difficult to detect it : but we have the consolation to think, that a foreign influence, exerted in this way, can have but a very partial and restricted operation, in point of time and sphere. In Europe, where the political agency of an individual, may have a

predominating and permanent influence in public affairs, this mode of corruption has been resorted to with effect.

With a view of securing the friendship of the English Henry the Eighth, previous to the breaking out of hostilities, between the Emperor Charles the 5th of Germany, and Francis the first, King of France, the Emperor bribed Cardinal Wolsey with an annual stipend of about fourteen thousand dollars. (a)

It is said, and there appears to be no doubt of the truth of it, that Charles the second, was for many years in the pay of Louis the fourteenth. Nay more, the French monarch, knowing the King's disposition for gallantry, in order to detach him effectually from the Triple league, sent him a French mistress, by the name of Querouaille, who ingratiated herself, so thoroughly, with the English monarch, that he created her Dutchess of Portsmouth. (b) In consequence of bribes of this description, Louis the 14th always retained an obvious ascendency over the British King and Government; and in-

(a) Robertson's Charles 5. vol. 2. 65.

(b) Hume's Reign Charles 2d.

deed, he could well afford to pay a handsome price, as well as a handsome woman, for such an ascendency; on account of the extensive power of the English sovereign, in all questions of peace and war.

But a foreign power would gain nothing by bribing a single individual in this country, no matter how elevated his situation.— In order, by corrupt means, to induce the nation to make a war, the national legislature must be corrupted: and to produce a peace, by the same means, it would require a successful experiment, upon two of the highest branches of the Federal Government. And after all, should the Legislature chance to be so singularly situated, (it is conjecturing an extreme case) that the application of a bribe to a few individuals would produce the effect desired, by a foreign power; still, an influence of this kind, would be entirely destroyed, on the recurrence of a new election; when public opinion, operating through the medium of a new Legislature, would destroy the works of iniquity.

Besides, the Constitution itself, has interposed a guard against the dangers, which may be apprehended from the attacks of foreign corruption, by declaring in the 9th Sec.

tion, of it, that, "no person holding any office of profit or trust, under them (the United States) shall without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever from any King, Prince, or foreign state."

It is not, therefore, from the attacks of direct corruption, operating upon any branches of the government, that the American people are to apprehend any serious danger:— But a foreign influence to produce any sensible and permanent effect must be exerted upon the people at large, through the medium of their sentiments and interests. Mr. Hamilton has remarked, that we ought not to imagine that a foreign influence can only make its approaches in the gross form of direct bribery: but that it is most to be dreaded when it insinuates itself under the patronage of our passions, and under the auspices of our natural prejudices and partialities. (c).

The literary productions of a foreign country, particularly if artfully written, in our own language, will have no inconsiderable effect in assimilating our notions and sentiments to those of its own; and in this way public opinion may be, by degrees, im-

(c) *Pacificus.*

perceptibly warped to the purposes of a foreign state. But the vigilance of the People, and the spirit of independent and enlightened criticism, if properly exercised, will, of themselves, be sufficient to counteract such a mode of attacking the principles and virtue of the people.

It will be found however, more difficult to counteract the influence, which a foreign power may exert over the minds of the people, through the medium of their interest. Intimate commercial connections, of all things, are the most efficacious, in creating dangerous partialities : and where the interest of a great portion of a people, are inseparable from an unrestrained intercourse with a foreign power, it will be difficult to make them acquiesce in the disruption to the tie. The political sentiments of such a people, will be honestly and naturally tinctured by their interests ; and through them, a foreign influence may be imperceptibly exerted. An influence of this kind will not be corrupt ; it will be the natural consequence of those biases, which nature has implanted in the human heart. Neither does it matter, whether the commercial intercourse, which is the source of this influence, be profitable and ad-

vantageous to the whole nation, or not : mankind are more apt to look at their immediate, than to general and ultimate interests ; and disposed to flatter themselves, that their private advantage is always an item, in the account of public benefits. Indeed the operation of commercial transactions, is generally, so exceedingly complicated, that but few are capable, or disposed to contemplate them, in a national point of view. Each individual, dazzled with his own prospect, is borne along upon the golden current, regardless of the general interest ; and the hectic flush of an illusive commerce, being sometimes mistaken for the glow of health, the nation is supposed to be prosperous, while its best resources are drained, and to invigorate a foreign power. Yet these consequences, not being sufficiently comprehended, public opinion recoils at the prospect of separating the golden cords, which apparently unite two nations, upon the basis of reciprocal advantage.

In addition to a commerce, apparently so advantageous ; if the foreign state has it in its power, through the intervention of its merchants, to supply the citizens of the other state, at long credits, and with large cap-

itals ; what can be more efficacious and fascinating ? These credits and capitals are diffused by the great importers and merchants over the interior country ; and in their ramifications, reach every trader in the nation ; each of whom, derive some benefit from them, in their communication with their customers, and all are ready to exclaim, "great is Diana of the Ephesians !" And this exclamation is perfectly honest ; it proceeds from no corrupt motive ; but on the contrary, naturally results from those feelings and principles, by which the human heart is always actuated.

It is not to be expected that a people, thus circumstanced, will be over ready to seize the sword to vindicate or maintain national principles, at the expence of their own private pursuits : but such a people will be more apt to temporise, than to resist at once, encroachments upon their independence.

It is therefore a serious question in politics, whether it be not one of the duties of a wise and provident government, to guard a nation by skilful expedients, against an influence which may be so dangerous and embarrassing. And this question would be doubly important, should it ever appear, that the

commerce, which may be the origin of such an influence, is unproductive to the nation, and in hostility to its manufactures.

It is acknowledged throughout, that a foreign influence of the description alluded to, may exist among a people without, necessarily, bringing along with it a corruption of morals : but though a fair and unsuspecting maiden, may be pure as snow, notwithstanding the transient caress of a gay and fascinating libertine ; yet, her virtue might be endangered, by repeated familiarities.

ESSAY VI.

OF THE LIBERTY OF THE PRESS.

IN promoting the cause of piety, knowledge, morality, and patriotism, the press may be eminently instrumental : it is indeed the great medium, through which piety and knowledge may be diffused, and the principles of morality and patriotism disseminated. Its freedom, therefore, ought to be secure in every republican state.

A free and fair discussion of the qualifications of public men, and of the tendency and character of public measures, is like-

wise beneficial to a republican community ; and whatever truths are published concerning either, are perfectly justifiable, upon grounds of policy and justice.

A free press has a direct tendency to make those, placed in authority, circumspect in the discharge of their duty. It is in the newspapers, and other publications, that the merits and demerits of public measures, are liable to be freely enquired into : and here bad laws, as well as bad legislators may be exposed, and good laws and good public officers commended. The press is, indeed, the guide of public opinion, in free states ; and it deserves to be conducted upon the most free and liberal principles.

But the liberty of the press ought never to be abused : nor does its perfect freedom imply a licence to publish untrue, and perverted accounts of public affairs. The public good surely, cannot be promoted by the circulation of falsehoods, nor are the public benefited by *anonymous* publications respecting particular transactions of individuals. If such attacks are encouraged, in free states, liberty degenerates into licentiousness, and private men are frequently subjected to in-

putations, and calumnies, for which there is no adequate redress.

When private individuals are chargeable with particular immoralities or crimes, a public newspaper is not the proper place to arraign them, but the accuser will act with more propriety, by preferring his complaint to the magistrate, or the grand jury. When this method is taken, the party accused, has a fair opportunity of confronting his accusers, and of exculpating himself, if he is improperly charged. But, he has not this opportunity when the news papers contain vague, and insinuating imputations to his prejudice.

Montesquieu observes: "If they who accuse a person, did it merely to serve the public, they would not carry their complaint to the Prince, who may be easily prejudiced, but to the magistrates who have rules that are formidable only to calumniators."

Upon the whole, the press may be usefully employed in discussing the general moral, and political characters of public officers and candidates for office; and also, the nature and character of public measures: but it is pros-

tituted when it descends to the propagation of particulars slanders and scurrility.

From these observations it results, that the editors of periodical publications, and news papers, have a delicate and responsible duty to discharge, towards the public.— They are indeed, in this country the supervisors, and inspectors of the press ; their high office therefore, deserves to be discharged, with the strictest regard to truth and decency. Avoiding all calumnies, and as much as is possible, the publication of particular charges against individuals, the editors of literary, and periodical publications, ought to endeavour, to disseminate correct opinions, and virtuous, honourable, and high minded sentiments, among their readers, and the people,

If the press is conducted with views of an opposite character, it misleads and demoralizes the community ; it becomes the parent of falsehood and prejudice. Indeed it puts the people frequently in opposition to their best friends, and renders them the dupes of demagogues and deceivers.

ESSAY VII.

OF THE EXERCISE OF ELECTIVE RIGHTS.

IF it be true, that virtue and knowledge, are among the moral pillars of a republican state, the people at large, ought to bear in mind this truth, in a particular manner, when they are called upon to exercise their elective rights. If the people, who are the sources and fountains of power, vote ignorantly and without any regard to principle and duty, licentiousness will be the offspring of liberty, and the streams of corruption, will overflow every department of the government.

In the observations which we shall make in reference to the subject proposed, we shall endeavour to notice a few of the precautions, necessary to be observed, in order to ensure the utility of our civil establishments, and to advance, among the people, generally, a respect for virtue and a love of knowledge.

Before we proceed, however, we will premise that but few things can present a more exalting spectacle, than an assembly of free and intelligent beings, the source of all

political power, convened for the purpose of delegating a portion of authority to their public agents. And when it is considered, that upon a wise and upright administration of our public affairs, depends the security of our lives, liberty, and property; both the suggestions of pride and of interest, as well as of moral duty, conspire to impress upon our minds, the vast importance of an intelligent exercise of our elective privileges.

The enjoyment of an elective government will prove only a vain illusion, if the people squander away their sovereign authority, by placing it in impure or insufficient hands. And little will the exertions of our fathers, who so nobly established the independence of this country, avail, if their descendants are not true to themselves.

In the discussion of this important subject, we shall in the first place, take into consideration the responsibility of those, whose duty it is, in the first instance, to decide upon the qualifications of voters.

And secondly, we shall consider the duty of the citizen, in the exercise of his elective rights.

It is of the greatest importance, both to morality and liberty, that those, whose duty

It is to decide upon the qualifications of voters, should be impartial, and upright men. When officers, called upon to determine the qualifications of voters disregard the trust reposed in them, and admit or reject applicants, under the influences of party feelings, the rights of the people are invaded ; the genuine citizen is in a measure disfranchised ; and the fountains of legitimate authority are vitiated. Nor, are these all the evils which result from such derelictions of duty, since the public morals are corrupted by the examples they exhibit. If the very meanest of the citizens, conscious of his own incompetency, perceives, when he offers himself as a voter, the respectable officers of the people, willing to be gulled into a belief of his qualifications, what will be his opinion of the state of public morals ? Nay, what will children think of the integrity of their parents, when scenes like these pass in review before them ? It is needless to remark, that examples of this nature will have a pernicious effect upon the moral sentiments of the community.

While on the one hand, those who are selected to decide upon the qualifications of

voters, ought to be vigilant to exclude every unqualified pretender to the right of suffrage ; they ought, on the other, to be extremely careful not to deprive any citizen of his elective rights. In the exercise of this authority, however, doubtful cases will sometimes arise, and it is better, when such occur to decide in favour of the right of suffrage, than against it ; because it is more agreeable to the spirit of republican institutions to favour, than to restrain the right of voting.

This brings us to the examination of the second point proposed, viz. The duty of the citizen, in the exercise of his elective rights.

In the selection of public officers, the electors should have a careful regard to the talents, integrity and principles of the candidates ; scrupulously avoiding the choice of such, as aim to aggrandize themselves, at the expense of their constituents. The individual who descends to intrigue, in order to insure his preferment, betrays such a destitution of modesty, as naturally begets a contemptuous opinion of him, in every elevated mind. And such a person, may be justly suspected of being much more in love with himself, than his country. In fact, he

cannot be suspected of a great portion of respect for his constituents, who is willing to raise himself upon their shoulders by mean artifices, and demoralizing examples.

Men who are thoughtless, in the management of their own concerns, are generally to be suspected of a disposition too lavish, in regard to the affairs of the public. But, notwithstanding this, there are men capable of paying such strict attention to public affairs, as to neglect their own concerns : and history affords many examples of individuals, who, after having spent laborious lives in the service of their country, have died pennyless, and been buried at the public expence. But while the people have reason to doubt the usefulness of such public agents, as indicate a thoughtless and prodigal disposition, in regard to their own affairs ; they have grounds to suspect, also, the good sense, or sincerity of those, who are continually prating about economy. Let us recollect, that economy is one thing, and parsimony another. While the public money should never be unnecessarily disposed of, our representatives should never refuse their assent to pecuniary appropriations, within the ability of the country, which the hon-

our, justice or interests of the nation require.

Simplicity of life and manners, are highly agreeable and commendable in all, but particularly so in those, who are called upon to fill elevated stations in the Commonwealth. It is not intended, however, to recommend the coarseness, of the Spartan habits, as a passport to office but only to discountenance the introduction of that luxury and effeminacy, which sapped the foundations of Grecian liberty, and facilitated the decline of the Roman Empire. "Indeed," as Plutarch remarks, "a good man, a valuable member of society, should neither set his heart upon superfluities, nor reject the use of what is necessary and convenient."

The individual who forms his opinions of the expediency, or inexpediency of public measures, on party grounds, and with a view to party interests, may prove an excellent partizan, but, there will be always reason to suspect, that he may, in the end, prove an unprofitable public servant. Zealots in politics, and enthusiasts in religion, are apt to carry matters to extremes, and in driving at the security of a party or sect, to lose sight of the true and substantial interests of their adherents, and followers. To encourage

apathy and indifference, in regard to matters of public interest, would be wrong on the other hand : we aim, therefore, only to recommend a liberal, firm, but dispassionate examination of men and opinions, as being the best calculated to promote a judicious exercise of our elective rights.

As the preservation of peace, is generally for the happiness of civil society ; and as the love of it, naturally prevades the heart of every good citizen ; those who are entitled to the public confidence, ought to have every disposition to cherish and maintain it, so long as it can be done, consistently with the honour, and interests of the nation. A blind and unqualified attachment to peace, however, cannot be esteemed a recommendation for public employment ; for whenever the exigencies, and honour of the country require an appeal to arms, it would be weakness and cowardice to decline the contest.

In effect, honest, intelligent, and determined men only, deserve the public confidence ; and there can be no danger, in placing such in the state or national councils.

By honesty, however, is not merely intended that moral quality, which, so frequently manifests itself, in the transaction of private

affairs ; but that description of political integrity is meant, which spurns at the suggestion of profiting individually, at the public expence ; and which is proof against every species of intrigue. Such was the honesty of Fabricius, and such was the integrity of Washington.

The share of intelligence, and information requisite, in a public agent, must necessarily vary according to the station, which he is designed to fill. It is not every man, however good his natural parts may be, who is qualified to devise or improve a system of commercial regulations ; nor can every individual, at once comprehend the abstruse and subtle operations of the national finances. A thorough knowledge of international law, of the history of treaties, and diplomatic proceedings, as well as an accurate acquaintance, with the national affairs, are indispensable to those who occupy the higher situations, in the national government. Generally, however, such an understanding of the nature of the government, and of the interests of constituents, as will enable a representative of the people, to consult the interests of the one agreeably to the principles of the other, will be found sufficient. It happens frequently,

that men endued with sound minds and a respectable share of information, are excellent judges of the utility and fitness of measures, which they might not have confidence sufficient themselves to recommend.

By determined men, those are to be understood who will never waver, in a resort to measures, which honesty and good sense recommend for the public advantage. In short, when men possessing such qualifications and characteristics, can be found, for the transaction of public affairs, the elector need not ask, whether they are rich or poor, merchants or farmers, doctors or lawyers; whether they are episcopalians, methodists, or baptists.

ESSAY VIII.

OF THE CHARACTER AND QUALIFICATIONS OF OUR JUDICIAL OFFICERS.

A PROMPT and vigorous administration of public justice, is intimately connected with the cause of morality; and nothing is more essential to the preservation of true liberty, than a wise, upright, and independent administration of distributive justice.

In vain will a people possess good laws, if they are suffered to sleep in the statute-book, or if when their application is called for, the judges misapply, or corruptly administer them. A delay, also, in the administration of justice is highly prejudicial to those, who require its aid ; for what signifies justice in the abstract, if individuals, suffering under wrongs, and injuries, cannot have a practical application of it, to their various exigencies.

These considerations, alone, are sufficient to satisfy every reasonable man, that our judicial tribunals, ought to be composed of men of great learning and integrity. The various relations which each individual sustains in society, such as that of citizen, father, son, wife, daughter, master, servant, &c. call for a great variety of legal principles and rules, to limit and regulate each of them : and when the rights of property, and their various modifications, are considered, in connection with the infinite variety and shades of contracts, obligations, and injuries it must be apparent, that the rules and principles applicable to all, are very extensive.

To understand the nature and application of these rules, in reference to cases, as they

may arise among men, must require much learning and study. And it is upon the same principle, that an individual ought to employ a skilful, and well educated housewright to build his house, that the public ought to employ men, learned in the law, to preside in their Courts of Judicature.

By learned judges the public business is more speedily and satisfactorily dispatched; because, the rules and reason of law being familiar to them, the application of the rule is prompt, and the reason for it rendered satisfactory.

Whoever has presented a watch to a skilful workman for repair, has doubtlessly perceived how readily the artist has detected the difficulty, by which the machine has been disordered, and the wonderful facility, with which he has applied the various tools, little and great, spread around him, in restoring the regularity of the work. In like manner, the skilful judge, when a controversy is presented to him for trial, perceives the legal point upon which the case turns, and applying the legal principles, which may be said to be the tools of the judicial officer, the

law is administered upon the facts proved, satisfactorily and without delay.

That judges, of all men, ought to be upright and impartial is incontrovertibly true. A corrupt judge is dangerous to community, and the more learning he has, the greater the danger to be apprehended from him. A dexterous misapplication of the law, successfully perverts justice, and while the suitor is dazzled with a parade of legal erudition, he groups in vain after a satisfactory reason for the determination of his case. As well may a case be hazarded, according to the notion of an illustrious man, (a) upon a game of cross and pile, as upon the decision of a corrupt judge. Indeed, the trial by jury is but a feeble barrier against the arts of such a magistrate; since the jury are bound to follow his directions in matters of law.

It results therefore, that a correct administration of justice, requires learned and upright judges.

In order, that the states may be blessed with magistrates of this character, men whose reputations have been long established, for integrity and purity of conduct, ought to be selected. Such men afford to

(a) Mr. Jefferson.

the public, a satisfactory pledge, for their future perseverance, in the same laudable courses, by which their reputations have been established. But even a pledge of this kind may not always be sufficient for the public security : for in addition to learning, and an upright mind, a judge ought to be as independent in his situation as possible.

If a judge holds his office at the will of the sovereign, the subject is not perfectly safe ; for however upright the magistrate may be, his dependent situation has a tendency to warp his integrity, and to render him too subservient to the authority, upon which he is dependent for his daily bread.

In like manner, if a judge holds his office at the will of the people, his opinions are liable to be improperly influenced, by the tides and conflicts of party ; and placed in such circumstances, he may veer his opinions, in particular cases, with a view to the security of his place and living.

While the British judges were entirely dependent upon the crown, for their places, their decisions were frequently accommodated to the inclinations of the sovereign. The artificial machinery of Fines and Recoveries, so well known among lawyers, was a palpa-

ble evasion of the statute *De donis*, the better to enable the monarchs of the age to trench upon the privileges of the nobility. The ridiculous decision, made in the time of James I. denying the subject the right of expatriation, under any circumstances, was probably intended to flatter, in some measure, the speculative and arbitrary notions of that weak, and pedantic prince. Those who are acquainted with the history of the ancient judicatory of England, will not be at a loss, to supply numerous other instances, of a departure from the true intent and meaning of the laws, for the gratification of the sovereign.

Instances of this kind will necessarily occur, in every country, where the judges are dependent upon the sovereign, or people; and no guard can be interposed against their recurrence, so effectual, as the complete independence of judges during good behaviour.

It is not however necessary to fall into one difficulty, in order to avoid another. It is not consonant to reason, that judges should hold their offices, after the infirmities of old age, have disqualified them for the execution of them: nor that they should be placed

beyond the reach of impeachment, for corrupt conduct. It is only requisite, that so long as they continue to discharge their duty, with ability and integrity, they should be beyond the reach of party. Party ought to have nothing to do with them, in the course of their official duty, or they with party; they ought to stand as consecrated men around the altars of justice, to whom the injured may fly for redress, and the oppressed for relief.

ESSAY IX.

ON THE DUTY OF THE PEOPLE, IN RELATION TO THE ADMINISTRATION OF JUSTICE.

BUT, after all, we are not to rely entirely upon upright, learned, and independent judges, for a correct administration of justice. The people, acting in the capacity of jurors and witnesses, have high and responsible duties, and obligations to discharge.

The institution of grand juries, is admirably calculated to insure the execution of the laws, without endangering the liberties of the people: and those citizens who are

called upon to perform the duty of grand jurors, have an important trust confided to them.

If those, who are legally called upon and sworn to present for trial the crimes and misdemeanors, which have been committed or brought to their knowledge, are wanting in firmness and impartiality, the higher officers of the court cannot be censured, if crimes escape unpunished. The grand jurors of our country, are the representatives of the people, for the particular purpose of bringing to trial all persons guilty, or strongly suspected to be guilty of any high crimes or misdemeanors: and the duty assigned to them ought to be performed without malice, fear, favor, affection, or hope of reward.— Unless it is, public justice can never be sufficiently and suitably vindicated.

The juries of trials, have, likewise, important parts to act, in the administration of justice. They are the judges of facts, in every case; and in deciding them, they have, necessarily, to take into consideration the credit due to the witnesses, upon whose testimony the facts depend. It is their duty to take into deliberate consideration the whole testimony, in connection with the character,

appearance, and manner of testifying of each witness, produced upon the stand before them ; and upon a cool, and dispassionate estimate of the whole, excluding every thing which has not been in evidence before them, to make up their verdict with the most scrupulous regard to their oaths, and agreeably to the law, as it may be promulgated from the bench.

The witnesses too, who are called upon to testify in causes between party and party, or between the government, and any person on trial for a public offence, have a very important duty to perform, towards their Maker, and their fellow creatures. With the oath of God upon them, they are called upon to tell the truth, the whole truth, and nothing but the truth, in relation to the cause upon trial ; and neither the love or fear of man, should operate to swerve them, from the path of duty, which lies plain before them.

False or colored representations of facts, on the part of witnesses, have a direct tendency, to pervert justice. The most enlightened and learned judge, assisted by an impartial and intelligent jury, cannot, at all times, bring about justice, in causes, where the truth is discoloured, or suppressed by

artful, corrupt, and disingenuous witnesses.

In order, that improper biases, and partialities, may not impede a fair disclosure of the truth; in our judicial courts, every individual called upon to testify, ought to reflect, that he is not the witness of A, or of B; but, that he is called upon, merely, to declare the truth between them. A witness who suffers himself to wish, that one of the parties litigant, may be successful, and that the other may be defeated, comes into court, under an improper disposition of mind, to declare the truth: he is liable to be misled by his partialities and feelings. In like manner, the witness who suffers any resentments he may foster, towards a party in a cause, to operate in his mind, while he is representing his knowledge of the transaction in question, will be liable to err, in his narrative, to the prejudice of his enemy. In short a witness coming upon the stand to testify, ought to leave at the door his friendships, and his resentments; he ought to consider, that the ground upon which he stands is holy; and that the all-seeing eye of God, is upon him. Placed in this situation, he ought to tell the truth, precisely as the knowledge of it, ex-

ists in his mind, without extenuation, or exaggeration.

From what has been remarked in this and the preceding essay, this general inference may be drawn: that, so long, as we have wise, upright, and independent judges, impartial and intelligent juries, and honest and ingenuous witnesses, our courts of law will be the temples of justice.

CLASS II. OF PART II.

ESSAY I.

GÉNERAL THOUGHTS ON THE NECESSITY OF SUITABLE MILITARY AND NAVAL ESTABLISHMENTS.

TO the benevolent mind it must be a subject of deep regret, that the conflicting interests, and passions of mankind, too frequently, produce wars among nations. Far happier would it be, if the great human family, was perpetually under the guidance of philanthropy and justice, so that our swords could be beaten into ploughshares, and our spears into pruning-hooks. That a halcyon period like this, may soon arrive, when peace shall cover the earth, as the waters cover the seas, and when man shall learn war no more, is devoutly to be wished. But under the existing circumstances of the world, while war is sincerely to be deprecated, it is nevertheless, the duty of wise nations to be prepared, in some measure, for the recurrence of the calamity.

Indeed, those nations, which are truly entitled to the character of sovereign states, pos-

sess the power of maintaining, and defending their rights and possessions: and the nation, which is incapable, in these particulars, may be nominally, but is not, in reality, independent. Arms and the laws, are the efficient defenders, and preservers of states, and commonwealths; and, whenever a nation relies upon one, and neglects the other, it will probably fall a prey to enemies without, or anarchy within.

Alexander the Great, Zengis-Khan, and Tamerlain, rank, in history, among the great conquerors of mankind; but the judicious reader will perceive; that the victories of these chieftains, are to be imputed, among other things, to the feeble, and enervated condition of the nations, which they overrun. In more modern times, however, an equality in discipline and preparation, has been attended with different results; and the conflicting arms of Europe, have demonstrated, during the last three or four centuries, the difficulty of conquering a well organized state.

Reason teaches us also, that a tame submission to national injuries, is a surrender of national rights; and history informs us, that the state, which quietly consents to be robbed of one right, will soon have to lament the

loss of many more. Ambition and avarice, actuating one nation, have too frequently induced it to grasp at the rights and immunities of other states: and where encroachments of this kind, have been tolerated, the consequence has generally been, the aggrandizement of one state, upon the ruins of another.

In 1772, Poland celebrated for the bravery and magnanimity of her sons, and which was once the abode of science and literature, was doomed to yield some of the fairest portions of its territory, to gratify the avarice, and fulfil the designs of Catherine the second, Maria Theresa, and Frederick the Great. The aggressions of these potentates, being submitted to, proved only, the precursors of the political annihilation of the nation: In the year 1794, under the pretext, that French principles were diffusing themselves among the people, Poland was completely divided between Russia, Prussia, and Austria, in spite of the exertions of the valiant Kosciusko.

The United States, though far removed from powerful countries, and blessed by a happy peculiarity of situation, cannot expect to be always exempted from wars, the com-

mon misfortune of nations. Avarice and Ambition may view with indifference, if not with contempt, the width of the ocean, which separates this country, from the powers of the old world. Indeed, it is upon the seas, so familiar to our enterprising citizens, that we are continually exposed to attacks and depredations.

Reflections of this sort, as well as the solemn testimonies of history, continually admonish us to profit by the precepts of Washington, the father and friend of this country, who warned us to keep ourselves, by suitable establishments, in a respectable defensive posture.

To follow this advice it is not indeed necessary, that large military and naval forces should be supported in this country, in time of peace: Such an army and navy, as may contain the elements, and machinery of large establishments, will be found sufficient, for all useful purposes. But the state of our militia, and frontier fortifications, deserve great attention at all times; for unless they receive the strictest attention in peace, they will be of little use in time of war. This important subject however, will be considered, more

particularly, in the four following essays, in which it is proposed to consider separately, the militia, the army, the navy, and the frontier fortifications of our country.

ESSAY II.

OF THE MILITIA.

IN the United States, all the free able bodied men, between the ages of eighteen and forty-five years, with some exceptions, are liable to bear arms. This numerous class of citizen soldiers, are subject to be called out, into the service of the United States, to repel invasions, suppress insurrections, and to execute the laws of the Union. They are, likewise, subject to be called forth, by the respective State Commanders in Chief, for such purposes as may be within the perview of the constitution, and laws of the particular State to which they may belong.

Under these leading arrangements, our militia system arrays a species of military force, which of all others, seems to be the most in accordance with the nature and spirit of our civil institutions: and we have

little to apprehend on the score of our liberties, from any forcible attempt to subvert them, while those, who are directly interested in their preservation, have arms in their hands to defend them: A body of men so numerous, and capable of being so useful as our militia, merit the particular attention of both the state and federal government, in regard to their organization and discipline: Nor need it be doubted, that they are susceptible of vast improvement, as a military force, after the flattering specimens of discipline, which have been exhibited, in various parts of the country, by particular corps of artillery, cavalry, and infantry.

Although, it cannot be expected, that a force drafted, promiscuously, from all the walks and avocations of private life, and domestic retirement, can be in every respect, calculated to undergo long tours of duty, upon the footing of a regular army: yet, as our militia is distributed through the whole Union, no force, perhaps, can be better adapted to repel any sudden and hostile invasion of our territory. It can be speedily collected, and quickly directed to any point of attack; and Bunker's hill and New-Orleans, will be forever associated with the

valor and patriotism of this description of American troops.

These considerations, so important in a national point of view, are alone sufficient, to induce Government, to furnish every facility for the advancement and improvement of the militia system ; and to prompt every individual, who possesses, but an ordinary degree of zeal and patriotism, to strive to become a well disciplined, and intelligent defender of the soil. It is no difficult matter to teach enlightened and enterprizing men, the use of arms, and something of the nature and utility of military evolutions. And in a country, therefore such as ours, every good and considerate citizen will feel a strong motive to improve himself, in these particulars ; considering how essential it is, to have a well disciplined militia for the protection and preservation of each state, and of the United States.

The tenth legion of Julius Cæsar, and a regiment of Picardy in France, we are told, were formed promiscuously from among the citizens : but having conceived a notion that they were the best troops in the service, they actually became so. Such is the effect of a

laudable pride and ambition, in regard to military affairs.

With liberal and expanded views of the importance of the Militia, as a means of public safety ; every citizen should therefore do the duty of a soldier with pride and alacrity. Public parades and reviews ought not to be considered, as vain and pompous pageants, calculated merely to fatigue the men, and puff the pride of officers ; but, rather, as necessary and serious preparations, the more effectually to enable, a hardy and independent race of freemen, to protect their houses and their homes, their wifes and their children, from the dominion of any foe, that may presume to invade a soil, consecrated to happiness and liberty.

“ Soon,” said the immortal Washington, during our revolutionary struggle, “ might we hope to enjoy all the blessings of peace; “ if we could see again the same animation “ in the cause of our country inspiring every “ breast, the same passion for freedom and “ military glory impelling our youths to the “ field, and the same disinterested patriotism pervading every rank of men, as was

"conspicuous at the commencement of this
"glorious revolution." (a)

We recur to this passage, to exhibit more strikingly the importance of cultivating among of our citizens to a certain extent, a military spirit: a spirit by which alone the independence of nations, under Providence, is to be sustained. (b)

But, the efficiency of our militia, after all, depends much upon a proper and judicious selection of officers. It is, therefore, the duty of all who have any connection with it to realize the importance of this truth. Where active and well informed officers have been generally diffused, among the militia, the improvement of the soldiers has been rapid and perceptible. The men have realized the importance of the duty, which they have been called upon to perform, and have discovered a degree of military ambition, which is the sure precursor of improvement. But, on the other hand, where negligent and ill informed officers have been found, the direct reverse has always been re-

(a) Letter from Gen. Washington to Gov. Hancock, Gordon's American War Vol. 3, page 299.

(b) Smith's Wealth of Nations, book 5, chapter 1.

marked: disorder and confusion have prevailed; and, on account of the officers, the militia service has fallen into contempt among the men.

Those officers of the militia who are acquainted perfectly with their duty, and who execute it with neatness and despatch; who are not only able to direct readily the performance of every field evolution, in the drill-book; but who are, also, capable of pointing out the use and utility of each, in actual service; will command the respect and esteem of their men. Under such officers, each man connecting with his performances the idea of their actual advantages, as means of attack or defence, or as facilities to relieve the fatigue, or accelerate the progress of marches, will take a pride and pleasure in their execution. But when our citizens are herded together merely to "train round" after three or four men, tricked out in regimentals, and who do not understand the use of the orders they give; but merely tell them off, as they have them by rote, out of their hand book; it cannot be otherwise, but that men of sound sense, in the ranks, will laugh in their sleeves, at the solemn blunders, which are every moment made. Nor can it be possible that officers of

this description can exact strict obedience from the men; for those who entertain any notions of liberty, inwardly revolt at the idea of being obliged to obey such as are not qualified to command.

These remarks derive additional importance from a consideration of the expense of time and money, necessary for the establishment of a well organized militia. In the state of Massachusetts five days are appropriated to military parades, and for the purposes of drill; a serious consideration to a labouring, or industrious man, when taken into view, in connection with the expense of his arms, ammunition, and accoutrements. If, therefore, at the end of the year, the citizen is no better qualified, as a soldier than he was at the beginning of it, setting aside the advantage of his being prepared with arms; it would be much better, both for him and the public, had his time been employed on his farm, or in his work shop, or about his ordinary affairs.

But, a well organized militia, while it furnishes a safe guard against invasions, and a guarantee for the execution of the laws; will be productive of other, and secondary advantages. In the ranks of the militia, our citi-

zens will imbibe a proper degree of military spirit, together with a knowledge of the rudiments of military tactics; and hence, from their ranks, may be speedily drawn, by appointments and enlistments, thousands and thousands of well informed, and spirited officers and soldiers, for the regular army, whenever, the exigencies of the country, may require an augmentation of the regular forces. Upon emergencies, also, the permanent regular troops may be partially withdrawn from the frontier forts and fortifications, and there places well supplied, by drafts from a regular and well organized militia.

But not to enlarge, too much, upon a subject, which must be familiar to every intelligent mind; it may be safely concluded, that no efforts to encourage and improve the militia of the nation; or to harmonise the rights of the United States, with the duties of the respective states, in regard to its services, under the provisions of the federal constitution, can be repugnant to sound policy, or in opposition to the fervent desires of the people.

ESSAY III.

OF THE ARMY.

ALTHOUGH the militia of this country, may be safely relied upon to repel any sudden and unexpected invasion of our territory, and be esteemed the most appropriate peace establishment, for the nation; yet, there are many good and sufficient reasons for keeping on foot, in time of peace, a small body of regular troops.

The experience of mankind, and the opinions of the best ^{wise} generals concur, in establishing the inferiority of militia to regular troops, for the regular operations of war and campaigning.

We are informed that the regular army of Phillip of Macédon, conquered the gallant militias of Greece; and that the Roman militia were unable to contend with the veteran troops of Carthage, commanded by Hannibal, at Trebia, Thrasymenus, and Canna. At the battle of Zama, however, fortune decided in favor of the Romans, under Scipio Africanus, whose troops, it is said, were more nured to service, than those of his Carthagénian adversary.

The result of the battle of Narva, where Charles XII. is said to have defeated eighty thousand Russians, with eight thousand Swedes, cannot be accounted for, unless by supposing the Swedes to have been greatly superior to the Russians, in point of military knowledge and discipline. But at the battle of Pultowa, Charles contended with a Russian army, which he had beaten into discipline, and the fortune of war, upon that occasion, turned in favor of the Muscovite. Indeed, it will be generally found, that where militia have overcome, or foiled regular troops in the open field, that their success has been owing to some extraordinary and enthusiastic excitement.

It seems, also, to be thought, that the soldiers of a regular army, though they may never have seen an enemy, are but little inferior to such, as have seen much service. In proof of this, we have mentioned to us, the Russian army, which, after a long peace, was marched into Poland, in the year 1756, and there behaved with as much valor as the Prussian troops, at that time esteemed the best in the world.

So, also, the behaviour of the British troops is mentioned to the same purpose, whe-

after a peace of twenty-eight years, conducted themselves with great steadiness and bravery, before Cartagena, in the war with Spain, in 1739.

But although proofs of this kind are by no means conclusive ; yet all will agree, that the great superiority of regular troops consists in their discipline, and military habits of life. (a)

To make a true soldier, the individual must not only be subordinate, and strictly obedient, but he must lay aside entirely the cares and habits of a citizen, and have nothing else to think of but the duties of his profession. He must, in effect, come up to the notion which Paulus Emilius seemed to entertain of a good soldier, when he remarked to those under his command, that each should keep his hand fit for action, his sword sharp, leaving the rest to their general.

It is true that bravery and patriotism may be expected from the militia, when suddenly called out into the service of their country ; but, as they cannot, without manifest inconvenience, forsake, for any length of time, their customary avocations, they are not well fitted for such military operations as require

(a) Smith's Wealth of Nations, book 5, chapter 3.

time, patience and perseverance. Indeed, there can be no doubt, that in times of war, troops regularly enlisted into the service, will constitute a force the most convenient, and useful to the nation. If, therefore, regular troops are necessary in time of war, it cannot be amiss to keep up a small establishment of them, in time of peace, for the purpose of preserving, at least, the machinery of a military system, and for the cultivation of the principles and practice of the military science.

A complete knowledge of the art of war, is not to be acquired in a single campaign : and one must be long accustomed to the practice of military tactics, and the details of military duty, before he becomes a complete officer. In fact, it not only requires a great man to make a great commander ; but it requires, also, great experience, in the military art. Seven years are consumed to learn an individual the most ordinary mechanical trade, and it cannot be supposed, that a man will acquire a thorough knowledge of the military profession, in a shorter time. A man, it is true, of intelligence and coolness, will fight two or three thousand

men, as well as a more experienced and equally spirited general; but it requires a combination of valor, experience, and genius to marshal such fields as those of Austerlitz or Waterloo.

In Europe, it has been usual for individuals to devote themselves to the military profession, from their youth; and probably, there, the best generals have been found among the most experienced officers, under a certain age.

In this country, most of the distinguished officers of the revolution had served with reputation, in the old French wars, and had in those become, in some degree, familiarized to military duties and dangers.

Washington, Putnam, Montgomery, Starks, Prescott, Pomroy, and a numerous constellation of other heroes, had been familiar with the duties and dangers of the military profession, long before they drew their swords, in our revolutionary contest. And on the 17th of June 1775, the smoke of the cannon mantled round the heads of many of our countrymen, whose locks had grown white in the military service of their country.

But in future contests, we must not expect the retired veteran to forsake his family

and his home to make the "flinty and hard couch of war his thrice driven bed of down." This is only to be expected in wars like that of the revolution, when patriotism, religion, honor, and chivalry, all combined to urge to the field the beardless stripling, and brave old age.

Under existing circumstances, therefore, a small regular military establishment would not be censurable, were it considered only in the light of a military school, where the principles and practice of the military profession, may be cultivated and improved.— And this reason, fanciful as it may seem, will not be disregarded by such as are satisfied, that great and skilful military and naval officers are necessary in a great nation, as well as great statesmen and philosophers.

But other reasons, of a more substantial character, are at hand, to satisfy us of the propriety of a small military establishment; in time of peace.

In the first place, the great territory of the United States, will necessarily require along its various frontiers a number of forts and garrisons, and these will need the care and superintendure of men set apart for that purpose. The wide extension of our settle-

ments, in the neighborhood of Indian population implores the security of military protectors: and military posts will be found necessary to render the navigation of our lakes and great rivers safe. Indeed, it would be idle to suppose, that our maritime frontier, together with the other confines of our territory, will be sufficiently respected and secure, without some portion of military men and military means.

Under all circumstances, therefore, both of necessity and policy, there seems to be no real objection against a peace establishment of land forces, consisting of a moderate number of officers and soldiers. Nor will a gradual augmentation of such a force, as our population and resources may progress, be so reprehensible as a diminution of their number.

Surely the commencement of the last war, will serve to satisfy every dispassionate observer, of the extreme imprudence of being destitute, at any time, of a proper proportion of regular troops. Upon that occasion we had to raise, form, and discipline an army, in the very face of the enemy: nor was this the greatest difficulty, which we had to encounter, as most of our officers had to learn

their duty, after the commencement of hostilities. But, thanks be to heaven, amid all these difficulties, and discouragements, the reputation of the country was sustained, by the gallantry of our military and naval officers, and the valor and intrepidity of their men.

In view of the whole subject, it is to be hoped, that the high and honorable reputation of this country will never again be jeopardized ; and, that no future war will find the United States, destitute of such a portion of veteran officers and soldiers, as may serve to diffuse order and discipline, among our new levies, and to inspire them with confidence, in the face of the enemy.

ESSAY IV.

OF A NAVY.

IN this country a great difference of opinion has existed upon the expediency of maintaining a navy. While many have been much opposed to the equipment of ships of war, others have been as much in favor of the establishment of a naval force. And

while the opinions of all men have been honest; plausible arguments have not been wanting upon either side of the question. Happily for us all, experience, the mother of wisdom, has at length, settled the controversy; and the gentlemen of the navy have adduced arguments, during the late war with Great Britain, which have convinced their friends, and satisfied our enemies of the importance of a navy to the United States.

Leaving out of view, however, the gallant exploits of our seamen, which so gloriously illustrate the naval character of America, and which cover those who achieved them with imperishable glory; we shall never be at a loss to find arguments in favor of a limited naval establishment in this country.

The great and increasing commerce of the United States, and the large proportion of our citizens employed in it, are always, more or less, exposed to the aggressions of foreign powers. Since this is the case, we owe it to ourselves, as a sovereign state, to be in possession of the means of redressing our wrongs, as they may, from time to time, occur.

Besides, we are not to forget, that a flourishing commerce always affords a tempting

bait for piratical depredations. Since the days of the two Barbarossas, Horuc and Hayradin ; who proclaimed themselves *the friends of the seas, and the enemies of all, who sailed upon them* ; and who unfurled this motto, triumphantly, from the Dardanels to the Streights of Gibraltar ; the States of Barbary have disturbed the seas, by lawless depredations. Notwithstanding the chastisements inflicted upon some of these powers, by the Emperor Charles V. the Venetians, and Louis XIV : in our own times, we have repeatedly experienced their piracies, and have had occasion to punish their insolence.

A naval force has no tendency, it is conceived, to embroil us in wars and difficulties with other nations, as some have supposed : but, on the other hand, it operates to prevent causes and occasions of quarrel.

If the commerce of a nation is perfectly defenceless, it invites the depredations of every unprincipled and rapacious pirate and despot : indeed the history of the world demonstrates, that mankind are not so frequently controled by the principles of abstract justice, as by the maxims of interest.— Whenever, therefore, nations perceive, that

depredations upon our commerce do not escape without retaliation ; the maxims of interest will concur with the dictates of justice, in making them respect our rights. In this view of the subject, a navy tends to preserve peace, rather than to promote wars.

But the great extent of our maritime frontier, and the rich towns and cities which are, every where, situated upon it, require naval defence and protection : and nothing would be more unwise, than to suffer them to remain without it. In vain will it be urged, as an objection to a naval establishment, that if a great naval power should bend her strength to the destruction of it, she might accomplish it, at a single blow : for in answer to this, it may be remarked, that a small navy, consisting principally of fast sailing frigates and light vessels, scattered through our ports and over the ocean, can never fall a sacrifice to a single encounter. But a fleet of this kind, on the contrary, while it will be able to elude the concentrated attacks of the enemy, will pick up his merchantmen, and encounter his single ships to advantage.

Without multiplying words upon a subject, which seems to be sufficiently under-

stood, the only question which can now excite discussion, in reference to it, regards the size and extent of our marine force. And here, taking common sense for a guide, it may be remarked, that nations as well as individuals, must be governed in all things, requiring pecuniary expenditure, in reference to their means and resources.

If a man, laboring under an apprehension that enemies were about to attack him, for the purpose of divesting him of his property, should expend the whole of his estate, in the purchase of arms for his defence ; he would be justly laughed at, for having made himself a bankrupt, under an idea of defending his property. But should a man, under such circumstances, expend a reasonable sum for the purposes of defence and security, he would be esteemed a wise calculator, and a good economist.

In like manner, a wise nation will expend for the defence of its floating property and maritime rights a sum duly proportioned to its general resources, and the value of the interests at stake. And, in accordance with this doctrine, so long as the commercial rights of the United States continue to be so valuable, as they have been ; liberal sup-

plies for their defence, will be cheerfully contributed by an independent and enlightened people. And in proportion as the commerce of the country, and its general resources increase, a moderate and gradual augmentation of the navy may take place.

In times of peace, however, the expences of the Navy may be greatly reduced, though it would be inconvenient and impolitic entirely to dismantle it.

Many of the remarks made, in reference to a regular military establishment, in the preceding essay, are equally applicable to the present subject. And to those may be added, some considerations arising out of the various foreign relations of the country, which will always require, in time of peace, the employment of more or less ships of war. The superintendence also of our naval depots and ship yards, will call for the agency of nautical officers and men: and thus a necessary, though curtailed naval establishment, will serve to preserve the machinery of the naval department, and keep alive the principles and practice of naval discipline.

Here too the future Admirals of the Country will be educating, emulous of that fame and reputation, which so gloriously irradi-

ate the names already inscribed, upon the naval column of America.

ESSAY V.

OF FORTIFICATIONS.

THE remarks which have been made upon the expediency of a well ordered militia, and upon the propriety of suitable military and naval establishments, naturally excite, in the last place, a few reflections upon the importance of frontier forts, and fortifications, as means of safety and defence.

The maritime towns and cities of the country are of the greatest importance ; these are the grand intrepots of a great part of the wealth of the nation, and without them it would be impossible to prosecute commerce, and to diffuse its advantages through the interior country. These are the flood gates of the Republic, through which issue the surplus productions of the agriculturalist and manufacturer, as well as the redundant capital of the merchant : and through which is admitted the returning tide of wealth and opulence, flowing in from foreign countries.

If vice and dissipation are here intermixed with the bustle of enterprize and business, here, also, are to be found industry and morality, high minded honour, and incorruptible virtue. Even the extravagance of the truly rich in our great cities, though productive of a pernicious example to the less affluent portions of community, is not so censurable, as at first it would seem: because, their expenditures, upon dress, their tables and equipage are well distributed among farmers, mechanics, milliners, and a thousand others. But be this as it may, the men, women, and children, of this great and growing nation, deserve to be safe from the invasion of enemies, whether they dwell in cities, or inhabit villages: and in times of war, the softer sex, old age, and infancy, deserve to be placed, if possible, beyond the apprehension of danger. Indeed, if our great towns and cities were exposed to be burnt and devastated by enemies, a period would be put to the growth of the nation; and though we might preserve our liberties, we should be reduced to a state of pastoral independence.

When, therefore, a proper estimate is made of the riches and opulence of our maritime towns and cities, and also of their vast

population, their protection is manifestly a very interesting duty of government. But, as our towns and cities cannot be defended from the cannonade or bombardment of an enemy, by the militia or army, unassisted by forts and fortifications: and, as attacks made upon such places are usually conducted with squadrons of heavy ships of war; our naval armament alone might be found inadequate to the defence of a sea port, which the enemy might destine to pillage and the flames. It seems, therefore, to follow, that strong fortifications and land batteries, are the proper defences for our maritime cities.

A time of peace is peculiarly fitted for the preparation of these means of defence; for it must be obvious to all, that it is too late to erect frontier fortifications when the enemy is at our gates. And while true economy is to be consulted, in all things, the expense of these precautionary measures is not to be regarded by a liberal and opulent people.

In addition to forts and fortifications, and the military and naval establishments, which have been already considered; the country requires a plentiful supply of arms and field artillery, with a sufficient store of ammu-

tion. Being thus prepared for a state of hostility, we may calculate with the more certainty on a continuation of peace; and in the event of war be ready to take the field with order, strength, and confidence.

CLASS III. OF PART II.

ESSAY I.

INTRODUCTORY REMARKS ON THE IMPORTANCE OF AGRICULTURE, COMMERCE, AND MANUFA- TURES.

THE strength of a great nation is intimately connected with the success of its agriculture, the prosperity of its commerce, and the flourishing condition of its manufactures.— If a state abandons commerce and manufactures, and attaches itself entirely to agriculture, it will revert to a state of pastoral rudeness and poverty. Should it, on the other hand, neglect agriculture and manufactures, and attend to nothing but commerce it would become the mercenary servant of other nations, waiting upon their convenience, and subsisting by their smiles. In like manner, could we suppose a people, so beside themselves, as to forsake commerce and agriculture, for the purpose of applying themselves solely to manufactures, we might expect to become acquainted with a miserable commu-

nity, devoid of mental energy, and laudable enterprize.

By a combination, however, of these three branches of human enterprize and pursuit; of these elements of national strength; that political solidity and power is to be attained, which constitutes one of the firmest bulwarks of national independence.

In a nation where these great departments of human industry are properly arranged and encouraged, the investigating and inquisitive mind of man finds continual employment, and the new and various scenes of enterprize which present themselves on every side, excite, and give vigor to the human understanding. In such a country, the greatest possible degree of productive industry, is elicited from the inhabitants, and the division of labor, while it adds dispatch to execution, imparts perfection to the arts. Replete with all the comforts, conveniences, and luxuries of life, the price of every thing in the nation becomes moderate and cheap; and if it were otherwise, it would be of no consequence; since, where every thing abounds, the exchangeable value of commodities, can be of less importance. In a state thus situated, the citizens would neither require foreign

credit, or foreign capital, for the prosecution of their schemes of business ; for the well directed industry of the people, which is the mother of wealth, would furnish all the materials for the exercise of enterprise. Such a nation would present a parallel to the Roman Empire, 'in the age of the Antonines, abounding in strength and magnificence.

But the workings of the human imagination may outrun the progress of nations ; and before prophecies of greatness can be fulfilled, numerous points of interest and prejudice must be worn away by time.

The agriculturalist may feel a degree of reluctance in contributing to support and protect commerce : the merchant may esteem commerce the paramount interest of the nation, and think that agriculture and manufactures, ought to bend and accommodate themselves, to his views and designs : and in like manner, the manufacturer may attach too much importance to his particular pursuits, honestly believing, that his own interests, coincide, in a peculiar manner, with the great interests of his country. Good sense and experience, will at length amalgamate these jarring opinions, and it will be

perceived in the end, that the public and private interests of a nation depend upon the prosperity of its agriculture, commerce and manufactures. And happy will it be for the people of that country, who foreseeing the destinies which await them, anticipate their arrival, by generous concessions of interests, and liberal relinquishments of partialities.

In the United States, concessions and relinquishments of this kind, may be expected, from the generous and liberal of every description of citizens: for nothing could be more dangerous to the vital interests of the country, than dispositions of a sectional, or selfish character. The success of our commerce has not alone resulted from the intelligence and enterprise of those who have been concerned in it; but it is to be attributed, in a very considerable degree, to the wise provisions of government in its favor, and the liberal appropriations, which have, at no time been withheld for its maintenance and defence. The discriminating duties upon foreign tonnage, and the merchandises imported in foreign vessels, have given our merchants the ascendancy in the markets of our own country. A selfish and narrow disposition, on the part of the agriculturalist,

might prompt him to complain of privileges, thus bestowed, through an enlightened policy, upon the merchant. And confined in his views, by the limits of his own interest, he might express a desire, that the discriminating duties, so favourable to American merchants and ship owners, might be abolished, and that our ports might be opened, without restriction or limitation, to all nations : in order that his opportunities might be multiplied of purchasing cheap and selling dear. But the merchants of this country, would have just reason to complain of such a project, as one calculated to destroy, not only their property, but their prospects.

If, however, our ports should be opened agreeably to the wishes of a short sighted interest, and in consequence of it, it should so happen, that the Prusians should send us grain from Dantzic, the Dutch cargoes of cheese from Holland, and the Irish supplies of potatoes from Ireland, which might be afforded as cheap, or cheaper than our own productions, of the same kind ; the agriculturalist would bitterly complain of the facility of government, which permitted foreigners thus to compete with our own cultivators about their own doors.

If the merchants, and agriculturalists of the nation, might well complain, under the circumstances supposed, with like reason the manufacturers of this country might complain, if the government disregarding their efforts, and deaf to their intreaties, should refuse to give to the products of their industry, a reasonable ascendency, in their own markets.

On the score therefore of equal rights, all are entitled to equal protection : and seeing this to be the case, each interest ought cheerfully to contribute to the support of the others, and thus co-operate to advance the general welfare.

And even though an extraordinary effort should be necessary for a time, to sustain any branch of the domestic industry of the country ; let it be remembered that the private sacrifices which may be incident to such an effort, are to advance the permanent interests of the nation ; and that though some channels of mercantile enterprize may be narrowed, others will be widened, and new ones eventually opened.

In the succeeding essays, in this class, a particular view of each of the great interest of our country, will be attempted, under the

conviction that the real success of one is intimately blended with the prosperity of the others : and in the closing number upon the revenue, a frank investigation will be presented of some of those measures, in relation to the taxes of the nation, which seem calculated to aid the combined prosperity of our three great branches of industry and enterprise.

ESSAY II.

OF AGRICULTURE.

IN Great-Britain, the greatest portion of the lands are owned by the king and chief nobility, and are mediately, or immediately, let out to the farmers of the country, who are generally tenants. There, none but free-holders are allowed to vote in elections for members of parliament, and hence it is, that vast numbers of respectable and opulent farmers, far advanced in life, unable to procure freeholds, have never exercised the elective franchise. This, indeed, to the people of this country, would seem a hardship, and if it is so in Great-Britain, it is one founded in

the feudal nature, and aristocratic principles of the British constitution.

The chief nobility of Great-Britain constitute a coordinate branch of the British Parliament, and inherit their rights from their ancestors ; but their birth right alone, without property, would be a vain pageant ; and it is necessary, therefore, that they should have an actual influence, corresponding with their high titles. This influence is derived from the great landed estates, which they possess and farm out to their retainers and tenants. Should these lands ever be divided into fee simple estates, among the great mass of the people, the balance of the British constitution would be, in a great measure, destroyed.

As our civil constitutions, however, rest upon different principles, so a different distribution of property takes place among us. Here the real estate of a deceased person is, in general, equally divided among all his children, male and female ; whereas there, all the landed property descends to the oldest heir male, with the exception of some tenures of a particular kind. The policy there is to tie up, as far as possible, the lands in the hands of the aristocracy ; while here, the

object of government is to divide them, among the great body of the people.

As long as the landed estates of this country are partitioned out, among the great body of the people, who find an interest in cultivating them, we need not be apprehensive of the introduction of any order of nobility among us ; for with truth, it may be affirmed, that small farms and independent land-holders, constitute the surest basis of a Republican state.

The Romans during the time of the Commonwealth, were so sensible of the importance of a general partition of the lands among the people, that about two hundred and fifty years before the end of the second Punic War, they determined, by law, not to allow any individual to be the owner of more than five hundred acres of land. But this law, having been grossly violated, almost all the lands, in the time of Tiberius Grachus, were found to be in the hands of the patricians, or their trustees ; and Italy was cultivated for them, by slaves and barbarians, to the exclusion of the free citizens of Rome.

It was in this state of things, resulting undoubtedly from a variety of accidents and causes, that Tiberius Grachus proposed the

renewal of the agrarian law, under the protest, of bringing about the former division of lands, among the people. This proposal although calculated to coincide with the interests and republican notions of the plebeians, as they were called, met, as might have been expected, with great opposition from the patricians. It was, indeed, a very violent measure, and came, probably, much too late ; as the basis of the republic was too completely overthrown to admit of any remedy. But be this as it may, certain it is, that from this time, the liberties of the Romans existed in form, rather than in fact.

This historical allusion serves to illustrate the importance of a general division of lands among a republican people, and fortifies the maxim, that small farms and independent landholders constitute the surest basis of a republican state.

In this country, however, an agrarian law would be justly deemed a wild and arbitrary restraint, upon the freedom of alienation : and when our laws, for the distribution of property among heirs, as well as those against perpetuities and entails, are considered ; sufficient legal provisions may be thought already to exist, for our protection, against a

landed aristocracy. But after all, it may not be unwise, should our state governments endeavour to draw the habits and inclinations of the people in aid of the positive regulations, providing for the diffusion of landed property: for the practical utility of our positive regulations must, in a great degree, depend upon these habits and inclinations.

The inducements which men have to purchase and cultivate lands are in proportion to the advantages they anticipate from such undertakings; and whenever our citizens are convinced, that a few acres of land, well cultivated, will give to an individual and his family, a decent and comfortable support; the fact will have a natural tendency to multiply purchasers, and to increase land holders. On the other hand, should a large proportion of land be thought barely sufficient to support a man and his family, people of small properties would rarely become purchasers, and the land would fall into the possession of rich owners, who could subsist on a revenue, in a ratio, inverse to the extent of their estates.

In proportion, however, as the art of tillage is improved, the secret will be discov-

ered of maintaining large families upon small quantities of land ; and hence, the improvement of agriculture will have a direct tendency to multiply the industrious cultivators of the soil, and thus to ensure a degree of equality, in the possession of landed property, so essential to the preservation of our civil institutions.

From this view of the subject, it results, that a republican state, which encourages the extension and improvement of agriculture, is adding strength and stability to a vital principle of its existence ; and legislating in conformity to that dictate of policy, which renders it the duty of every sovereign state, to concert measures for its present and future preservation.

Should this argument, however, be deemed visionary, (as probably it may be, by many individuals,) it may not be amiss to take other views of the subject.

The duty of every sovereign state to take measures for its own preservation, has been already suggested, in the first part of this treatise ; and it will not be denied, that every sovereign state is under a like obligation to increase its riches and power, by all justifiable means. The more any state

abounds with vigorous inhabitants, and with the necessities and conveniences of life, the greater is its capacity to defend itself against foreign aggressions, and to maintain its maritime rights.

Nothing, perhaps, has a tendency to increase a hardy and vigorous race of inhabitants, and to supply a state, abundantly, with all the necessities and comforts of life, more than a judicious and industrious cultivation of a fertile soil. In proportion as agriculture is improved, a greater population can be supported, on the same given space, and a larger surplus product realized. It is agriculture which is to supply the hands of manufacturers with materials, and their mouths with bread; and it is this which is to freight the ship of the merchant. And in proportion, as the knowledge and practice of this important art progresses, a state will be able to maintain, when necessary, larger armies and fleets, for its protection and defence.

“It ought readily to be conceded,” says the lamented Hamilton, in his Report on the subject of Manufactures, “that the cultivation of the earth, as the primary and most certain source of natural supply; as the immediate and chief source of subsistence

" to man ; as the principal source of those
" materials which constitute the nutriment
" of other kinds of labour, as including a
" state most favourable to the freedom and
" independence of the human mind ; and
" one perhaps most conducive to the multi-
" plication of the human species, *has intrin-*
" sically a strong claim to preeminence over
" *every other kind of industry.*"

But, although so many advantages, seem to be the natural consequences of agriculture, the earth must be solicited, by the hands of skilful and judicious husbandmen, before she will yield her increase.

Agriculture is a scientific art ; the practice of which, is of all others, the most conducive to human happiness ; and it is entitled, therefore, to the aid and encouragement of every government, which proposes to itself, as an end, the happiness of its citizens or subjects. When the state of agriculture in this country, is compared with the state of agriculture, in France or England, great room for improvements will be apparent ; and the wonder will be, why hitherto so little has been done to encourage the extension and improvement of this great resource of national wealth.

The Federal Government, ever since it commenced its operations has been continually consulting and protecting the interests of commerce. Our merchants have been encouraged, by the allowance of draw-backs, to import larger quantities of merchandise, than our home demands required, that they might be enabled to derive a benefit and profit from reexportation. In addition to this, the government has indulged them with long and generous credits, upon the duties payable upon their imported articles ; by which they have derived all the benefits of a pecuniary loan, from the national treasury : and above all, the nation has supplied them, with a gallant navy, to protect their enterprizes, and to maintain the security and respectability of their flag.

In doing these things for commerce, the Federal Government has consulted the true interests and dignity of the nation. But, although, the national legislature has done so much for commerce, the state governments, whose peculiar duty it is to superintend the interests of agriculture, have done little or nothing, for its encouragement.

Colleges and schools have been liberally

endowed, and supported, by the state governments, and the arts and the sciences have been cherished, with an honorable and enlightened zeal; but in the meantime agriculture, which is an art so important, a science so interesting, has been, for the most part left to struggle for itself.

And this will seem the more surprising, if it is considered, that every dollar expended by a government, for the support and encouragement of agriculture, will be reimbursed a thousand times over, in the increased productions of the soil.

Let us endeavour to illustrate this by supposing a case. Suppose, for instance, the state of Massachusetts, should offer a premium of five hundred dollars, to the individual within the state, who should raise the most wheat, off of five acres of land: it is believed, an offer of this kind, would produce at least four hundred competitors for the prize, who would, of course, cultivate two thousand acres of land, with wheat. The extra pains and attention which would be bestowed on these two thousand acres, would, it is fair to suppose, make them yield, at least, six bushels per acre more than an average of ordinary crops; and thus twelve

thousand bushels of wheat extraordinary, would be raised within the Commonwealth. This, at one dollar and fifty cents a bushel, would be worth eighteen thousand dollars. In like manner, similar results might be expected from other crops, from similar excitements. And should the same system of excitement, as that supposed, be adopted by all the states, it might be difficult to calculate the vast accession of national wealth which would be the result.

But a bare increase of crops would be the least advantage, which the country would derive, from a judicious encouragement of agriculture : great improvements would be a consequence of them, the benefits of which would be lasting. Men would be led, step by step, to the discovery of those treasures, which a skilful and industrious cultivation of the earth, is capable of eliciting ; and in a short time, the fields of the United States might vie with the fairest portions of Europe, in the excellence of their culture, and in the exuberance of their crops.

Upon the whole, it would seem, that the path of duty in respect to the encouragement of agriculture, was plain before the state legislatures : since the promotion of

this interesting occupation has a tendency to preserve the basis of the governments themselves, while it adds to the number of our population, and to the strength and riches of our country.

ESSAY III.

OF COMMERCE.

COMMERCE, in a large and general sense, may be defined to be the exchanging the money or productions of one country, for those of another: and by means of it, one nation avails itself of all those products of other countries, which minister to its convenience, elegance, and voluptuousness.

Nations have existed, which have been adverse to commerce, from an apprehension of its tendency to debauch those stern habits and notions, upon the preservation of which, the security of their political institutions were thought to depend: but, the good sense of mankind has induced them to discard for the most part, such absurd theories, and the general opinion is, that a well-regulated commerce must be, more or less, advantageous to every nation which pursues it.

The people of the United States, from physical causes, must necessarily be commercial, as well as agricultural. The great extent of our sea-board, our large and extensive navigable rivers, and our fishing rights and privileges, are perpetual invitations to maritime enterprize. Nature seems to have destined us for a commercial people, and it will be difficult for man to alter the decree. It remains, therefore, that a profitable direction be given to our commercial enterprizes, in order that the country may be enriched by them.

If the people of the United States can exchange a portion of their corn, flour, tobacco, fish, cotton, &c. for the brandy, wine, silk, and other produce of foreign countries, it surely must be convenient, and profitable, to the inhabitants of our great and growing nation.

A prosperous and well regulated commerce, it is well known, invigorates every department of industry; the farmer, the mechanic, and the manufacturer, are all enriched by it. Our great towns, the offspring of commerce, are the ready markets for all the surplus produce of the farmer, which is in such places, bought up for the consumption of the inhab-

itants, or for exportation. Here vast numbers of house-wrights, ship-builders, masons and other artizans reside ; subsisting indirectly upon the profits of commerce : and here, from the same source, the merchant, the professional man, the great and small dealer, the seaman, and a host of others, following various vocations, subsist.

Beneath the smiles of commerce the arts are cultivated, and the domains of science extended. The moral advantages resulting from it, far exceed the disadvantages ; and even the luxuries and elegances of life, too often the theme of fastidious censure, serve to diffuse property more equally among the people, and to distribute the blessing of a prosperous trade to all classes of society. We do not, however, intend to follow the Fable of the Bees, and assert that private vices are public benefits : since, it is plain, that affluent individuals can live with elegance and taste, without being vicious or debauched.

The national advantages, however, resulting from commerce depend, very much, upon its profitableness or unprofitableness. And therefore, if any test could be discovered, by which we may, judge of its pecuniary advantages or disadvantages, a desideratum

in political economy would be attained ; and the people of this country ought to have the advantage of it, to enable them to know what exertions or sacrifices ought to be made, to sustain the commercial prosperity of the nation.

Perhaps, it may be found difficult to establish a criterion of this description. Some have thought, that what is called the balance of trade, exhibits the safest test of the prosperity of commerce ; while others, have considered this a very uncertain guide. It may not be amiss, however, to define by a simple illustration, what may be understood by the balance of trade.

When a nation does not export commodities enough to pay for the commodities it imports, the balance of trade is against it, and this balance must be paid in money ; or, on the other hand, when a nation exports more than sufficient to pay for the goods it imports the balance of trade is in its favor, and this balance will be drawn in gold and silver from other countries.

In the one case, the nation may be compared to the unthrifty farmer, who purchases of the store-keeper more goods, every year, than he turns off produce from his farm to

pay for ; and in the other case, it resembles the thrifty farmer, who sells to the store keeper, an amount of produce, greater than the amount of goods which he takes up at the store.

The balance of trade, as thus exemplified, affords a safe rule, which may be applied satisfactorily, in all our investigations concerning commerce. But the difficulty, after all, is to ascertain the facts, in such a manner, as not to be deceived by the application of this rule: for, although the rule is simple, the application of it is very difficult.

If we apply it, upon a comparison of all our exports with all our imports we may be misled; for it by no means follows that when our imports exceed our exports, that the balance of trade as above defined, is against us. On the contrary, this fact may be the surest sign of a profitable commerce.

For instance, suppose the United States export to various parts of the world, in the course of a year, commodities to the value of seventy millions of dollars; and these commodities sell in foreign ports for one hundred millions of dollars, the whole amount of which, being invested in foreign merchandizes, is imported into this coun-

try. In this case, upon a comparison of the exports with the imports of the nation, it would appear that we had imported, at least thirty millions of dollars more than we had exported. This thirty millions, however, would not be a balance against the country, but on the contrary, a balance directly in its favor; which would be divided up among the merchants, mechanics, seamen and others, who may have been concerned in fitting out, and navigating the various vessels, employed in the trade.

In the case supposed, had our merchants chosen to have brought home but seventy millions of dollars worth of foreign commodities, they would have had thirty millions of dollars, in gold and silver, to have received; but generally it is the same thing to the country, whether the balance be brought home in money, or money's worth.

There may be cases, also, where the apparent balance of trade may seem to be in favor of the country, and yet the actual balance be against it. Let us imagine, for the sake of illustration, that the exports of the United States, for a year, amount to one hundred millions of dollars; but in conse-

quence of bad markets abroad, the whole is barely sufficient to purchase ninety millions of dollars worth of foreign produce. In such a case, the exports would exceed the imports, ten millions of dollars, but the trade, after all, would be manifestly against the country.

It is said, that the gold and silver of the world has always flowed, from the north to the south, from whence it has been never known to return.

The voluptuousness of Rome, at one time annually dispatched from Myos-hormos, an Egyptian port upon the Arabian gulf a fleet of one hundred and twenty vessels ; which, descending into the Arabian sea, sought the opposite coast of Malabar or the island of Ceylon, where their arrival was expected by the merchants of the most distant parts of Asia. The return of the expedition was by the same course, and the rich cargoes which were brought back, being carried over land to the Nile, were poured with its waters into the Mediterranean, and transported to Rome. Silks of great value, precious stones, and the most expensive ornaments of every kind, spices and aromatics, were thus introduced, to pamper the pride of the living, and to

solemnize the obsequies of the dead. Eight hundred thousand pounds sterling in silver, an immense amount for the times, constituted the only equivalent which the Romans could furnish for these annual supplies. (a)

Before we make use of facts of this description in the illustration of the subject before us, let us indulge in a short digression upon the probable causes of this course of trade, which is so well known in the commercial world.

The people of the south have little use for the productions of the north, as almost all their wants are supplied from their own climate ; and hence, they want little else than gold or silver for those productions and commodities which the northern people want of them. The flow of gold and silver, therefore, from the north to the south results from physical causes, and the reason it never returns, may be accounted for in the same way.

But since it never returns, it may be difficult, after all, to comprehend what becomes of the gold and silver which perpetually flows to the south, through the channels of commerce.

(a) Gibbon.

The governments of Asia are despotic ; and the jealousy of despots induces them to collect treasures, as one great means of preserving their power and safety: And in addition to this, the subjects of all despots well know, that their property is at his mercy ; and hence they are inclined to secrete it in the earth, in order that they may have some resource, free from the grasp of arbitrary power. These conjectures are well supported, by the historical information we have of despotic countries, and when taken in connection with the immense population of Asia, may serve to explain the reason, why such quantities of gold and silver, appear to find a grave in the regions of the south ; where every man is either a despot, or a slave.

But be this as it may, the fact, at any rate, is well known, and we return to consider it, in reference to the balance of trade.

Should the United States ship to Asia thirty million of dollars in silver, for the purpose of investing it there, in the productions of that quarter of the world, the apparent balance of trade would be so much, at least, against the United States, in its intercourse with Asia. But, it would by no means follow

from this, that such a trade was a loosing trade to this country ; inasmuch, as the money thus exported might in India, where the price of labor and subsistence is exceedingly cheap, purchase five times as many of the goods and necessaries of life, as it would procure in the United States.

Montesquieu remarks, that a country which constantly exports fewer manufactures or commodities than it receives, will soon find the balance sinking ; it will receive less and less, till falling into extreme poverty, it will receive nothing at all. (a) But this proposition is by no means unquestionable, as appears by the foregoing remarks ; on the contrary, the very circumstance of its importing more than it exports may be a sure sign of its commercial prosperity.

But, whenever commerce is profitable to the merchants, say some, it must be necessarily profitable to the nation to which the merchants belong : proceeding upon the supposition, that an increase of wealth to an individual merchant, is an addition to the aggregate wealth of a country. But this mode of reasoning is far from being conclu-

(a) 2 volume Spirit of Law, 24.

sive, as may appear from the following supposition.

A farmer, after having supplied his family with meat and drink, from a farm of two hundred acres of land, turns in the rest of his produce to a neighbouring merchant, in order to supply his family with foreign commodities: but at the end of the year, it is found, that the produce does not pay for the foreign goods by an hundred dollars. In this case, it is evident, that the balance of trade, between this merchant and farmer is very much against the latter, and if it should be continued for a number of years, with equal disadvantage to the farmer, his ruin would be inevitable.

The merchant, however, may be growing rich from this very trade; as he compels the farmer to pay him the balance in money, and this, together with the farmers produce, he sends to foreign countries to obtain more foreign goods, which the next year he receives and sells to the farmer at a good profit, bringing him again, another hundred dollars in debt. Should the merchant, in addition to this customer, have ninety-nine others of the same sort, it would be equally plain that they would all be growing poor, while the mer-

chant was growing rich. And a whole nation trading in this way, would be imperceptibly impoverished; although the merchants of it might be in affluent circumstances. But, after all, the riches of the merchants would by no means counterbalance the poverty of the farmers; because the great drain of gold and silver would be into foreign countries; a small part of it, only, remaining with the merchants in the shape of profits or commissions.

Thus it may happen, that the individual success of the merchants, is not the sure and invariable sign of national prosperity. Indeed there would be great difficulty, as well as insecurity, in judging by a rule of this kind: because its application would involve an account of all the fortunes which had been made and lost, among the merchants in the prosecution of the trade of the country.

If this were, however, a correct general rule by which to judge of the commercial prosperity of a nation; it would be universally true: but the merchants of Asia and Africa, though for the most part opulent, are in the midst of a poor and miserable population.

The course of exchange, among other indications, has been thought to be a rule, by

which the profit or loss usually attending commercial transactions, might be ascertained: but this surely must be a very uncertain and indecisive guide. At best it can only serve to indicate the balance of trade between two nations, and cannot be applied to ascertain the general balance which exists between a particular nation, and the rest of the world. And, although, it may sometimes serve to indicate the balance of trade between two nations, yet it furnishes no certain guide, by which the amount of that balance may be estimated.

From what has been remarked, it may appear difficult to determine the profitableness or unprofitableness of the commerce of our country, by comparing our exports with our imports, or by the individual prosperity of our merchants, or the course of exchange: but it may not be difficult to ascertain the balance of trade, existing between the United States and a single nation. This may be done by ascertaining the amount of our exports to that nation, and the probable rates at which they were disposed of there, together with the first cost and charges of the return cargoes, and their value in our own markets, exclusive of duties. A balance being thus

ascertained, separately, with each nation, the difference between all those in our favor, and all those against us, will be about the general balance, either for or against our country, in reference to all its commercial concerns.

It is certainly important that the balance of trade should be ascertained in this, or in some more eligible manner: for as has been remarked, in proportion to the advantages resulting from commerce, ought to be the efforts to maintain and protect it.

A correct exhibit of the pecuniary advantages of commerce, would enable our legislators to appreciate more accurately its relative importance to the nation, in respect to agriculture and manufactures, and enable them to perceive what branches of trade needed encouragement, and what branches might be profitably circumscribed.

If from exhibitions of statements of this description, from time to time, it should appear that all the balances in favour of the United States with most all nations, were swallowed up, by the balance against the country, resulting from a commerce with a particular nation, it might, at least suggest some serious reflections, in relation to the further en-

couragement of a trade apparently so unfavourable.

Aside, however, from the profits of trade; there are a variety of considerations in favour of commerce, resulting from the national convenience which attends its pursuit. If it be not in our power to exchange our surplus productions, at a great profit, still it is convenient and highly serviceable to exchange them for a small one: for the comforts, convenience, and elegance of civil society are promoted as well in the one case as the other. Hence it would be folly to decry commerce, because a great pecuniary balance did not annually result to the nation from its operations. It is to be considered, in every view of the subject, that there are vast numbers of our fellow-citizens, who choose to follow it for a subsistence, and as this is the case, they have well founded claims upon the government for support and protection.

If, however, the government should be satisfied, that the trade of a country really enriched one class of its own citizens, at the expense of the other, a case might be presented, in which they ought judiciously to interfere. Or whenever it happens, that the national welfare requires a modification of

trade, it is right and proper that the government should exercise its superintending authority. The interests of trade however, never ought to be wantonly embarrassed to the prejudice of the industrious class of citizens who choose to pursue it. On the other hand, our mercantile men will never ask to have any other branch of national industry, sacrificed for their own aggrandizement: the beauty of a well regulated machine is, to have each wheel co-operate with the others, aiding and assisting them, but not jostling them out of their proper and appropriate places.

Among commercial, as well as among military men, it sometimes happens that panics prevail: the dangers which threaten trade as generally the cause of alarm among the former; while those of a more substantial character, diffuse terror among the latter. The fears, however, in regard to trade can be usually referred to particular and favorite interests, which are supposed to be liable to some degree of derangement from particular causes. The intelligent merchant, however, surveying the general interests of trade is not shaken, while the great foundations of commercial prosperity remain unimpaired. The increase of population, of agricultural

productions, and manufactures, have been, and in all probability will be, the sources of increasing trade. And, however, any particular branch of trade may be affected by the varying circumstances of a nation, yet the general prosperity of commerce will keep pace with the progression of these great causes.

Happy then are the prospects of America who contemplating futurity, beholds increasing millions populating her twenty Republics ; who looking forward through the expanding vista of time, sees her adventurous seaman carrying the produce of the loom and the land to infant republics, as yet, scarcely born!!

ESSAY IV.

OF MANUFACTURES.

EVERY establishment or institution which has a tendency to minister to the comforts of life, and to lessen the wants of community for foreign supplies, is justly deemed advantageous to a nation. It is in this point of view, that manufactures are desirable to every political society, and are deserving of

the patronage of wise and skilful legislators.

But, however much manufacturers may be calculated to minister to the real comfort and independence of a political state; it frequently happens, that the very articles which a nation requires can be imported cheaper, than they can be wrought at home. Whenever this is the case, individuals will not appropriate their time and capital to build up manufacturing establishments; being well aware, that they cannot contend, single handed, against old, rich, and skilful manufacturing competitors abroad.

Indeed, the views which individuals take of manufacturing establishments, are always through the medium of their own interests; and are seldom or ever extended beyond the period of their own lives: but those who preside over the interests of a nation, are bound to consider the subject, in a more extended point of view, and to look to the prospective and ultimate advantages, which are to result from extensive manufacturing establishments.

Indeed, national calculations are not always to be made in reference to competing-

room principles; because, in a national point of view, there is frequently a fallacy attending money prices, arising from a superabundant paper medium. If it happens that the price of every thing in this country, is transported to an extravagant degree in consequence of an inundation of bank paper, so that the manufactures of other nations can be sold cheaper in our own markets, with the addition of duties upon them, than our own can be afforded, this circumstance ought not to prevent government from attempting to sustain and encourage the struggling manufactures of the country. On the other hand they ought to endeavor to reform the currency, in such a manner, as to render the prices of things here, somewhat in proportion to the prices of things in the rest of the commercial world, in order that the industry and enterprize of the country, may have a fair opportunity, at least, to compete with the industry and enterprize of other parts of the globe.

In respect to individuals, existing prices are conclusive, and it would be folly in them to undertake, at their own risk and expence, to break the path for manufactures, in the face of a deranged state of things at home,

and great capital abroad. But notwithstanding this, it may be the highest wisdom in the nation gradually to open the way for manufactures by rendering the road to their prosperity permanent and secure.

But in taking measures of this kind, the nation must lay aside, in some degree, those views and calculations which of necessity regulate the enterprises of individuals, and look to the substantial and ultimate interests of the country, taking care at all times to distinguish between a real and fictitious state of things.

Those who preside over a nation may well consider, that though a state may be rich from a variety of causes, physical as well as moral; yet that one undeniable source of national riches, is to be found in the number of days works which the citizens of a country can perform in the course of a year in producing the necessaries, comforts, and conveniences of life. Ten thousand Americans, with the assistance of labor saving machines, will produce in the United States as large a quantity of the manufactured comforts and conveniences of life, as ten thousand Englishmen, working in England with the same facilities; and however differently the

respective products of their labors may be estimated in money; in point of fact, there is no real difference between the value of the two products: for generally speaking nations are equally enriched by equal quantities of labor. (a)

(a) Doctor Smith, in pursuing unguardedly the phantom of money prices, has furnished the people of the United States with an argument, directly repugnant to his own purpose. He tells us, "that it is a maxim of every prudent master of a family never to attempt to make, at home, what it will cost him more to make, than to buy. The tailor does not attempt to make his own shoes, but buys them of the shoemaker. The shoemaker does not attempt to make his own cloths, but employs a tailor. The farmer attempts to make neither the one nor the other but employs these different artificers. All of them find it for their interest to employ their whole industry, in a way in which they have some advantage over their neighbors, and to purchase with a part of its produce, or, what is the same thing, with the price of a part of it, whatever else they have occasion for."

"That," he continues, "which is prudence in the conduct of every private family, can scarcely be folly in that of a great kingdom."

Without remarking upon the want of analogy between the cases of individuals, and the cases of a political community, in respect to manufactures; the case of this country, especially in New England, in point of fact, is very different from that assumed by Doctor Smith.

Here, it is true, the tailor does not make his own shoes, nor the shoemaker his own cloths; but, it is equally true, that every prudent farmer, for the most part, raises his own wool and flax, and employs his wife and daughters in fabricating from them comfortable garments for his household.

Indeed in a national point of view, time is money, and the truth of the proverb has been practically illustrated by all wise nations; and among the rest, by the English, the French, the Dutch, the Russians, Austrians and Prussians, all of which have endeavored to avail themselves of the greatest possible quantity of the productive labor of their subjects.

and this, though done without the aid of labor saving machinery, is found to be highly advantageous at the years end.

It is true, should the farmer calculate the value of the labor of his wife and daughters at paper money prices, the stockings, shirts, and other garments, which they make, would come much higher, than those for sale at the store, But, if his wife and daughters did not make, for the family these garments, the farmer would have to part with a large portion of his beef, pork, corn, and wheat to pay for them, while his wife and daughters would have remained idle at home

The judicious master of a family, in this country, the sovereign of his little Commonwealth, sees the folly of purchasing that, which he can procure by the labor of his own family. And instead of pursuing such a course, he takes measures to bring into operation the greatest quantity of the productive labor of his household; and in this way he clothes himself and his family, by the labors of his diligent and affectionate subjects, and saves the surplus of his beef, pork, corn, and wheat, for an addition to his capital stock. That then, (to retort the conclusion of Dr. Smith,) which is prudence in the conduct of every well regulated family, can scarcely be folly, in the conduct of a great nation.

These reflections may not be unworthy of the serious consideration of those, who may be, from time to time, placed at the head of affairs in this country. If the immense population, which will, in all probability, overspread the territories of the United States in the course of a few years, is to be dependent upon foreign nations, for supplies of necessary manufactures; it will be, to say the least of it, a very unfortunate state of things. In the Essay upon PATRIOTISM, some of the disadvantages, which are the necessary results of such a state of dependence, are suggested; and what may be the ultimate effect, should such a state of things prevail, upon the western and south-western States, it may be difficult to foresee or determine. It seems, however, to be certain, that a state of dependence upon foreign nations, can have no tendency to consolidate the Union, or to give permanency and duration to our civil establishments. But, on the other hand, it appears reasonable to suppose, if manufactures could be established here, advantageously, that the new states would, for a long time to come, furnish a ready market for every description of manufactured articles: and thus, while the general independence of

the country would be promoted, the union of the States would be strengthened, by additional ties of interest.

To the wise policy of the British government, is attributable the extraordinary increase and extent of the English manufactures, at this time ; and how far that policy is worthy of imitation, in this country, the people must decide. In England, in the time of Queen Elizabeth, manufactures were of little or no consequence : indeed, it is said that Elizabeth was the first person who wore a pair of stockings in her kingdom, and that the dress of a lady in 1650, a long time afterwards, was nothing better than a common serge gown. (*a*) Between the restoration of Charles II. and the revolution which brought in William III. a period of about twenty-eight years, several new manufactures were established in England, in iron, brass, silk, hats, glass and paper ; and among others, the art of dying woollen cloth was introduced from the low countries. (*b*) Accident and policy which conspired to cherish these beginnings in England, have, at length, made

(*a*) Hume's History of England, Appendix No. 3, and Reign of James II, chapter 71.

(*b*) Ibid.

her manufactories, an inexhaustible source of wealth to the nation.

The religious persecutions which took place in France, during the reign of Louis the 14th, compelled a great number of ingenious artizans to take refuge in England ; and by these, the infant manufactures of Great-Britain were improved and extended ; and they have, since, under the fostering hand of government, risen to surprising greatness. (a)

As an example of the attention bestowed by the English government, upon the encouragement of manufactures, a statute passed in the time of Charles 2d, is worthy of remark. The statute alluded to, which has in view the encouragement of Woollen fabrics enacts, that the bodies of the dead shall be buried in woollen. (b) But, even this law, arbitrary as it may seem, has been undoubtedly productive of advantages to the British nation. This regulation, however, is only one among a thousand, for the en-

(a) Voltair's Age Louis XIV.

(b) Pope undoubtedly alluded to this law, and the practice under it, in the following lines.

“ Odious in woollen, it would a saint provoke,
“ Were the last words which poor Narcissa spoke.”

couragement of manufactures in England. Mr. Smith, in his Wealth of Nations, observes that : " The variety of goods of which the importation into Great-Britain is prohibited, either absolutely or under certain circumstances, greatly exceeds what can easily be suspected by those, who are not well acquainted with the laws of the customs." (a)

It is true, that Mr. Smith is at considerable pains to decry the policy which has been pursued by the British government, for the encouragement of British manufactures ; but he despairs of any material alteration, in their system for the better. What he says, therefore, on this subject, is probably intended more for the benefit of other countries, than his own ; that being, in his opinion, in a great measure incorrigible. (b) While we ought to thank him for our share of his kind attention to the prosperity of other nations, we ought to recollect on the other hand, that we have as great an authority as Mr. Smith, for following, to a certain extent, the example exhibited by Great-Britain, in relation to manufactures.

(a) Wealth of nations, book 4, chapter 2, page 176.

(b) Ibid. page 206.

Mr. Hamilton, as early as the year 1790 displayed to Congress, in a very masterly report, on the subject of manufactures, the importance of them to the nation, and detailed some of the means necessary to be pursued, for their encouragement. In speaking upon the subject, this great statesman observes, "not only the wealth, but the independence and security of a country appear to be materially connected with the prosperity of manufactures. Every nation, with a view to those great objects, ought to endeavor to possess within itself all the essentials of national supply. These comprise the means of *subsistence, habitation, clothing and defence.*

"The possession of these is necessary to the perfection of the body politic; to the safety as well as to the welfare of the society; the want of either, is the want of an important organ of political life and motion; and, in the various crisis which await a state, it must severely feel the effects of any such deficiency. The extreme embarrassments of the United States during the late war, from an incapacity of supplying themselves, are still matters of keen recollection. A future war might

" be expected again to exemplify the mis-
" chiefs and dangers of a situation to which
" that incapacity is still in too great a degree
" applicable, unless changed by timely and
" vigorous exertions. To effect this change,
" as fast as shall be prudent, merits all the
" attention and all the zeal of our public
" councils; *it is the next great work to be
" accomplished.* (a)

Although we cannot expect to accomplish in a moment, a work which Great Britain has been above a century bringing a-

(a) Mr. Hamilton's Report upon the subject of Manufactures.

Among the expedients recommended by Mr. Hamilton for the encouragement of manufactures are the following, viz :

1. Protecting duties—or duties on those foreign articles which are the rivals of the domestic ones intended to be encouraged.
2. Prohibition of rival articles, or duties equivalent to prohibitions
3. Prohibitions of the exportation of the materials of manufactures.
4. Pecuniary bounties.
5. Premiums.
6. The exemption of the materials of manufactures from duty.
7. Drawbacks of the duties, which are imposed on the materials of manufactures.
8. The encouragement of new inventions and discoveries at home, and of the introduction into the United States of

bout; yet with well directed and persevering efforts we may expect the same results, which have crowned her policy and exertions, in a much shorter time, than she has been employed in producing them.

Heretofore, the disordered and diseased state of our paper money system, has operated very injuriously upon the infant manufactures of the country; nor can they have, it is believed, a fair experiment here, until order is restored to the chaos of bank paper, with which our country has been deluged.

When such disorders prevail, labor and raw materials, as well as every thing else, will have a high and fictitious value among us; and the natural tendency of it will be, that the fabrics and manufactured articles of those nations, where the price of labor and commodities is regulated by the operations of a hard money system, or of a currency having a hard money basis, will be likely to be as such as may have been made in other countries, particularly those which relate to machinery.

9. Judicious regulations for the inspection of manufactured commodities.

10. The facilitating of pecuniary remittances from place to place.

11. The facilitating of the transportation of commodities.

See Hamilton's Report of Manufactures.

forged in our markets cheaper than our own fabrics of the same quality.

Buonaparte, whose aim it was, among other things, to establish manufactures, during his consulship, abolished the disordered paper money system of France, to a very great extent, and restored a hard money circulating medium : and this was undoubtedly a wise measure, both in regard to the manufactures, as well as in regard to the commerce of his country.

But although the state of our currency, may have, in some measure, operated to depress our manufactures, and to create a prejudice against them, under the existing tariff of the United States ; yet this difficulty might be overcome, if our government would imitate, in a degree, the wise policy of Great-Britain in regard to manufactures. In that nation for the encouragement of domestic industry, the duties imposed on a great variety of articles, amount to a prohibition ; and hence, those who embark in their manufacture, having no foreign competitors to contend with, have the best assurances from government of assistance and protection.

Should a tariff be established in this coun-

try calculated to give our manufacturers the privilege of the home market, at reasonable prices, for cotton and woollen goods, and some other manufactures, the policy might not be unwise in regard to the general interests of the nation, nor unjust in respect to individuals.

And the effect of it would be, that under such strong pledges and assurances from government, manufactures would increase to a surprising degree, while the competition in the home market would be such, that the sellers would of necessity be content with reasonable profits.

Our Agriculturalists would derive an advantage from this increase of our manufactures, in as much, as every establishment of this kind would be a market for their productions, brought to their own doors. Towns and villages would spring up in the interior, and many inland places, which now seem to be on the decline, would revive and flourish with the extension of manufacturing industry and enterprize.

That the increase and encouragement of manufactures, should have any tendency, seriously or permanently, to injure our com-

mercial men, is a proposition somewhat at war with the experience of mankind; For history informs us, that the prosperity of manufactures, and the increase of commerce, have gone hand and hand together. Indeed, the manufactures of this country have increased greatly, since the war of the revolution, and yet trade and maritime enterprise have by no means declined, since that period. In truth, the increase of population in this country, and the revolutions and changes which are taking place in other parts of the world, are continually increasing the trade, and opening new channels for the commerce of the nation.

To conclude. Many individuals in this country entertained a hope that the late war with Great-Britain, would have a tendency to establish the manufactures of the nation; and, indeed, for a time it seemed to promise much in this respect. Now, however, the manufacturing spirit and enterprise of the people, seem on the point of expiring, weary and discouraged by unsuccessful struggles and efforts. Should the prospects of our manufacturers not be revived by the redeeming arm of government, posterity might not

be able to discern, amid the blaze of glory, which in reality surrounded our arms, the solid advantages resulting from the contest.

ESSAY V.

OF THE REVENUE.

THE prejudices which existed against the funding system, were naturally enlisted against every species of taxation, which was considered as an offspring or consequence of that political scheme; and hence most, if not all of our internal taxes, during the administrations of Presidents Washington and Adams, became unpopular with a considerable portion of the people. Indeed, this description of taxes, were rendered finally displeasing to a majority of the nation, by a considerable augmentation of them, during the administration of Mr. Adams, in prospect of a French war. A stamp act, and a land tax, were themes of great popular animadversion, and became more and more so, as the unpopularity of a French war increased. The people, associating with these taxes, the objects for which they conceived them to be imposed, were led to embrace

political doctrines of a novel character; for the prevailing sentiment, at one time seemed to be, that the pockets of the people constituted the best treasury of the nation.

With a change of men, a radical change of measures was expected; and, accordingly, with the commencement of Mr. Jefferson's administration, ended the operation of all the obnoxious taxes, which had not been previously repealed. The duties of the customs were now relied upon, almost exclusively, for defraying the current expenses of government, and for discharging the national debt in a limited time.

While the commercial relations of the United States continued unembarrassed, this mode of raising a revenue answered every purpose: but, when our commercial difficulties began and continued to increase, this mode of taxation was found insufficient to answer the exigencies of government: and the late war brought along with it, under perplexing circumstances, almost all the internal taxes and loans, which had, at a former period, been offensive to the people. With war, however, ceased again this species of taxation; and at this time, the taxes are of

the same kind, as during the first year of Mr. Jefferson's administration.

This historical sketch, imperfect as it is, serves to shed, at least, the light of experience upon the topic proposed: and though it reminds us of some of the fluctuations, which have taken place in our revenue laws, since the adoption of the constitution; it implies no censure of the distinguished characters, who have, at different times, presided over the affairs of the nation. The voice of the people at large, declared by their able and enlightened representatives, combined with the irresistible force of circumstances, have caused the changes, which have, from time to time occurred: and we now look back upon them, only to obtain light, to aid us in our prospective views of the subject before us. Thus actuated, every good and liberal man, will dispassionately consider the interesting subject proposed; and dismissing former prejudices and partialities, will bring to the work of examination nothing but candor and reason; and a sincere desire, calmly to investigate, such methods of taxation, as are just and equal, and well calculated to promote the vital interests of commerce and manufactures.

As the legitimate end of government, is the happiness and security of the people ; and as this happiness and security cannot be attained, without considerable expense and disbursement ; it is evidently right and proper, that the people should contribute, according to the respective abilities of each, towards the support and maintenance of those institutions and regulations, which have in view, the promotion of their best interests. By saying that each individual ought to contribute, according to his ability, towards the support of government ; it is to be understood, that every free person ought to pay, as nearly as possible, in proportion to the rights and interests which he may have, under the protection of the laws.

If there are forty different owners of a ship and cargo, and the interest of each in the concern, is different in amount, from that of his fellows ; and the question is, how much each owner is to pay, towards the expense of arming, equipping, and sailing the vessel ; the answer is ready, that every one must contribute, in proportion to the interest he has in the bottom.

In the case supposed, however, only a pecuniary interest is at stake ; but in civil

society, we have not only property at stake, but, also, life, liberty, and reputation.— Each individual, let his property be little or great, has an equal interest with his fellow-citizens, in the preservation of these important possessions. Nay, farther, every industrious individual, has also, a property in the fruits of his own labor, and in that of his children, which serve, still more to equalize his interest in the maintenance of order and good government.

These combined views in relation to property, and to life, liberty, and reputation, serve to indicate the extent to which all have an equal interest in the maintenance of government ; and to mark the point at which a diversity of interest commences, in regard to property. And the conclusion to be drawn from the whole is, that to a certain extent, all free individuals are liable to be taxed to the same amount, in regard to an equality of interest ; but beyond this point, contributions are to be in proportion to pecuniary ability.

It would be difficult, however, if not impossible, to balance the argument so nicely, as to ascertain how far the taxes of the United States, ought to be equally levied upon

all the citizens, in respect to the protection, afforded by the government of the United States, to their lives, liberties, and reputations: but it will be readily admitted, that this principle of taxation ought to operate, much more extensively, under the state governments, than under that of the United States. And as it would be exceedingly difficult to draw this line with precision, perhaps much is not hazarded in saying, that the taxes of the United States cannot be better levied, than in respect to the pecuniary ability of each citizen.

Having premised this as a principle, which is to guide us on our way, let us inquire,

First. In what mode the taxes of the United States can be the most correctly apportioned upon individuals, in reference to the property of each.

Secondly. What course of taxation is best calculated, to aid the great interests, of commerce and manufactures. And,

Thirdly. What sources of taxation are best adapted to insure to government a permanent and lasting revenue, beyond the reach of ordinary casualties.

I. In what mode, then, can the taxes of the United States, be most correctly appor-

tioned upon individuals, in reference to the property of each ?

It has been generally thought, that the duties of the customs operate as a very fair and equal mode of taxation; each individual having it in his power to pay much or little, according to the amount of taxed articles, which he chooses to consume. But it is not to be forgotten, that long habit and custom have rendered many foreign commodities necessary, which are not so in a Spartan sense of the word, and the use of which cannot be dispensed with.

If the consumer actually pays a tax upon all these necessities of life, so far as these necessities are taxable, he pays as much to the support of government as the rich and affluent citizen: and though it be true, in some cases, that the rich consume much more than the poor, and in this way contribute more to the support of government; yet a difference of this sort will be found to exist more strikingly between the extreme rich and the extreme poor, than between the rich, and such as may possess a small and comfortable property.

An individual in this country, whose income, either from his money at interest, from

his salary, or his pursuits in trade, does not exceed a thousand dollars a year, has frequently a disposition to expend for the decent and respectable support of himself and family, and without being extravagant, as much as an individual, having five times his income : and whenever this is the case, the poor man pays towards the support of government, five times as much, in proportion to his property, as the rich man.

To illustrate the unequal operation of the duties of the customs still further, the case may be supposed of a respectable mechanic, who lives by the profits of his trade, and maintains his wife and children frugally and decently. Such an individual consumes in his family twenty-four pounds hyson-skin tea, twenty pounds coffee, one hundred and twelve pounds W. I. sugar, fifty pounds loaf sugar, four yards good broadcloth, six yards common broadcloth, twenty yards flannel, fifteen yards calico, six yards lustring, six pairs of stockings, one piece of Irish linen, and twenty yards foreign cotton cloth. The duties on these articles will amount, reckoning the duty on the raw sugar, out of which the loaf is manufactured, to about forty dollars. This mechanic has a rich neighbor,

worth one hundred thousand dollars, who uses the same quantity of foreign commodities, and of course pays no more to the support of the federal government. If however, this amount of duties, was collected of each of these individuals, at the year's end, *en masse*, by the tax gatherer, the glaring inequality would be perceived: but as it is, it is not noticed, for the buyer never stops to separate the real price of the commodity he consumes from the additional cost, paid in consequence of the duty imposed upon it.

These remarks may be enough to satisfy us, that the operation of the duties of the customs, is unequal in regard to the property of individuals; and may lead us to inquire, in what way taxes may be more equally apportioned.

If, with a view, however, of reaching the rich, luxuries should be extravagantly taxed, the consumption of them would be diminished, while frauds upon the revenue would be multiplied, and thus the receipts at the treasury would be reduced. On the other hand, if, with a view of relieving the poor and middling class of community, the duties should be entirely removed from the necessities of life, and be suffered to remain, as

at present, on the luxuries of life, there would be a great deficiency in the public income, and a greater inequality in the operation of taxes, than under the circumstances supposed. To ensure a revenue, therefore, and at the same time to apportion the duties of the customs, in conformity with the principle premised, it would seem to result, that luxuries and superfluities, should be liberally taxed, while the necessities and comforts of life should be sparingly taxed: and if, a course of this kind, would not produce a sufficient revenue, a moderate system of internal duties, calculated to fall exclusively upon luxuries and superfluities, and upon the property of the affluent portions of community, might be resorted to. In this way, the laboring poor would pay less, comparatively, than at present; the man in moderate circumstances would not pay more, while a prosperous merchant, a substantial farmer and a planter in affluent circumstances, would pay more, in proportion to their properties, than under a system of duties resulting entirely from the customs.

II. What course of taxation is best cal-

- culated to subserve the interests of commerce and manufactures ?

In regard to commerce, the long credits given by government to our merchants for duties, are of great service to them, inasmuch as these credits augment their capitals.

The additional duty imposed in this country upon merchandises, imported in foreign vessels, usually denominated a discriminating duty, is a wise general regulation ; and obviously favors the extension of American commerce.

In addition to measures of this description, which are so wise and prudent, no sensible man, will now undertake to condemn such duties and taxes, as are necessary to be raised and collected for the support of a navy ; in order, that the commerce of the nation may be the more surely maintained and protected. Nor will an intelligent people refuse to contribute to the expenses of foreign embassies, and the establishment of consulates, in various parts of the world, for the accommodation of commerce and commercial men : neither will they refuse liberal appropriations for the fortification of our maritime towns and frontier, or even hesitate

to encounter all the hazards and expenses of a war, for the protection of commercial rights, whenever such a step shall be deemed just and expedient. Indeed, nothing can be more apparent, than that the government of the United States, from the earliest periods, has wisely accommodated the imposition of public duties and taxes, to the encouragement of commerce; and has liberally expended the avails of the revenue, in extending, protecting, and defending it.

In pursuing this course the good of the nation at large, has been consulted; and it need not be added, that the commerce of this country, ought to continue to receive, as it has done heretofore, the fostering care and attention of the government.

Liberal minded men, will however reflect, that commerce is not the only interest which claims the attention of a government: manufactures are highly important to every community, and deserve to share the public attention and patronage. It remains, therefore, to be inquired, in what manner the revenue laws of a country, can be made instrumental in promoting the interests of manufactures.

Most countries, with a view of encouraging their manufactures, have resorted to modes of taxation as a means for such purposes: and accordingly they have imposed very high duties upon such foreign articles as might be wrought at home. In this way, in other countries, the duties of the customs have been rendered subservient to the interests of domestic industry.

The British nation, in a particular manner, has pursued this plan in aid of their manufactures with great success: and the same policy may be well worthy of imitation, to a certain extent, in other countries, with a view of establishing manufactures. And if the pursuit of it will necessarily diminish the revenue, arising from the duties of the customs; other modes of supplying the deficiency must be sought out; and it remains to be inquired, whether a moderate recurrence to internal taxes be not, under all circumstances, the most eligible mode of providing for a deficiency. Indeed, it by a moderate system of internal taxes, the rising manufactures of a nation can be sustained, and at the same time the taxes be more equally apportioned among the people, the objec-

tions to this mode of taxation must be lessened.

If, however, the imposition of high duties should stop up any particular channels of foreign trade, the versatile genius of commerce would soon accommodate itself to the change, and find out new avenues for enterprise. And when internal taxes are resorted to, for supplying the deficiencies, arising from this obstruction; it is a substantial consolation to know, that taxes are not indeed increased; but only paid into the treasury, in a different shape.

III. What sort of taxes are best calculated to insure to government a permanent and lasting revenue, free from accidents and casualties?

A nation which raises all its revenue from the duties of the customs, will find its income liable to fluctuations and accidents. A war may derange a system of this kind, and, as has been seen in this country, dry up the sources of supply; compelling government, in a season of embarrassment, to resort to internal taxes. To be obliged to provide, almost entirely, a new system of taxation at the commencement of a war, must

be, considering the unpopularity of all new taxes, attended with manifest disadvantages.

A government founded upon correct principles, and correctly administered, will be in some measure prepared for war, as well as peace ; and that system of taxation, therefore, seems to be somewhat censurable, which requires a radical change, upon the breaking out of hostilities.

The affairs of a great nation, in many cases, may be with propriety conducted upon the same principles, which influence the conduct of an intelligent individual, who wishes to be as independent in his circumstances as possible. Such an individual will always be desirous of putting his affairs in such a situation, as to ensure to himself an income, as far beyond the reach of contingencies as possible : in fact, a wise and discreet economist will strive to make such arrangements, as will ensure competent resources in any event of fortune.

A system of internal taxation is, surely, more out of the reach of casualties, than a revenue depending entirely upon foreign commerce. And even in times of peace, a reduction of the duties upon foreign neces-

saries, might be well made up by a moderate system of internal taxes. Such a modification would not increase the taxes of a people generally, but would shift them off of the shoulders of the poor, in some degree, and add them upon the properties of the rich. But the principle advantage, which might result from such a modification would be, in the establishment of the machinery of a system of internal taxation calculated to be applied, with a greater or less degree of scope, as the exigencies of the government might require. Such a modification might render a nation more secure, on the score of revenue, against sudden and unexpected interruptions of trade and commerce.

From what has been observed, in relation to internal taxation, the impression is not to be imbibed, that an augmentation of the taxes in the United States is desirable : the utmost scope of these remarks extend no farther, than to suggest, as a matter of consideration, some reflections, tending to show that taxes ought to be somewhat equal in respect to property ; subservient to the interests of manufactures ; and, at the same time, such as will place the public revenue, as far as possible, beyond the

reach of sudden derangement and fluctuation.

The subject of internal taxation has been connected with the preceding observations, with the less reluctance, on account of the historical sketch which has been premised. From this it appears, that taxes of this description have, under various circumstances, received the approbation of some of the most illustrious statesmen of our country. Indeed when it is considered, that the taxes levied under the state governments, are generally, in their kind, direct taxes, and that no complaint is made of them by the people, it is difficult to discover, in what manner the same sort of taxation under the federal government, can be liable to objection.

It is true, that the expense of collecting this kind of taxes, is something more, than what attends the collection of the imposts; but this inconvenience, inconsiderable in itself, is counterbalanced by the representation proceeding from the slave holding states. An inconvenience which was supposed to be compensated to the non-slave holding states, by a proportionate liability on the part of the former, to contribute to the direct taxes of the nation.

CLASS ^{IV} OF PART ^{II} IV.

ESSAY I.

GENERAL OBSERVATIONS ON THE IMPORTANCE OF PUBLIC CREDIT—AND ON THE COIN AND CURRENCY OF A NATION.

NOTHING is, perhaps of more importance in national economy, than a proper regulation of the money currency, and a perfect establishment of the public credit: for upon these depend the value of land, labor and commodities; and the ability of drawing from the coffers of private citizens, pecuniary supplies, for sudden emergencies. Every nation, therefore, which consults its own prosperity, will endeavor to establish, both its credit and its currency upon such foundations, as will most effectually promote its great and essential interest.

Every substantial freeman, also, in this republic, who takes an interest in its present prosperity and future happiness, seems to be under an obligation to pay some attention to its financial concerns: in order that he may

know when to discourage sinister speculations, projected at the public expense, and when to give aid to such fiscal arrangements, as have the public prosperity for their end.

The pecuniary credit of a nation, when free from blemish and out of the reach of suspicion, is a sure resource, in times of difficulty, because both the dictates of patriotism and interest will co-operate to render affluent citizens liberal to supply the wants of government in an hour of need.

The citizen, however, before he parts with his money to government, will wisely look around him, and examine the nature of the security he is to receive for the repayment of the sum he lends, and the interest. This security will be found to rest in considerations connected with the probable permanency of the government; in its honor and justice; and in its ability to make, by way of taxes, stable, adequate and regular provisions for the public debt. In proportion, therefore, as confidence is wanting in regard to any of these particulars, public credit will decline, and a state of distrust and perplexity will ensue. These observations are, however, peculiarly applicable to the state of public credit in this country. In England the

public credit rests upon a foundation somewhat different: for there, so long as a confidence exists, that government will have it in its power to raise taxes sufficient to pay the interest of the debt, the public credit is sustained, and the value of the stock kept up; though the expectation of its redemption by government, may have long since subsided.

So immense is the debt of England, that a vast proportion of the property there, is dependent upon the public credit and justice, for its value: and should the government be unable to pay the interest of their debts, a great revolution in the property of Great Britain would be the consequence.

In England, it is a dread of a revolution of this kind, which, in a measure, sustains the credit of the nation: for he who has a large property always in the funds, the value of which depends upon sustaining the operations of government, will not refuse to lend an additional sum, upon the principle of securing his existing interest.

But happily, this is not the case in America: for here the public debt has an actual value, arising from the ability and inclination of the nation to pay both principal and interest. And so long as this ability and in-

clination remains, or the prospect of its duration is undiminished, the credit of the nation will be on a good footing.

There is, however, one circumstance in relation to the public credit, which ought not to be overlooked, and this is intimately connected with our revenue system. In proportion as our annual revenue is liable to fluctuations, the public credit will be affected: for if, owing to accidents, the government should not be able to pay the interest, and the stipulated portion of the principal of the public debt, for successive years, from the avails of the ordinary revenue, this want of punctuality would be detrimental to the public credit. Such a revenue system, therefore, as will enable government to accumulate from one branch of revenue, what may be deficient in another, will always promote the public credit.

In addition to these considerations, public credit must also depend upon a proper regulation of the coin and monied currency of a nation; for if they suffer these to depreciate in value, the obligation of both public and private contracts are impaired, and public and private creditors are compelled to receive, upon their securities and obligations,

much less than was originally stipulated to be paid.

To exemplify this, needs only to conjecture that an individual in 1820 sells an estate, or loans a sum of money, to receive his pay in 1830; before which government adulterates the quality and reduces the weight of its coin; and thus reduces the value he was to receive in a corresponding proportion.

If creditors are injured thus by the debasement and diminution of the weight of the national coin, it will not escape the intelligent reader, that the same injuries may be brought about by an extraordinary augmentation of the paper money of a country, and that the obligation on the part of government to guard against both, evils is equally apparent, both in respect to private contracts, and public credit.

In Europe the value of the precious metals has undergone great depreciation, from their accumulation, consequent upon the discovery of new mines, particularly those of South America; insomuch that Mr. Hume thinks, that in his time, they were not of more than one tenth of the value which they possessed in the time of the Norman

kings. Against a depreciation of this kind, it may be difficult, if not impossible to guard; and indeed, when it is slow and gradual, it may be of no disadvantage to the commercial world, on account of the spur it gives to enterprise and business.

But arbitrary princes, heretofore have resorted, from time to time, to artificial modes of diminishing the weight and value of their coin, highly injurious to their subjects, and which never ought to be tolerated by any just and free people.

Formerly, in the days of the Norman princes, an English pound sterling contained a pound, tower weight of good silver. So likewise, in the time of Charlemagne, the French livre, was an actual pound, troy-weight of silver. And the Scot's pound, for a considerable time, was of the same weight and value of the English pound sterling. A penny, in former times, was a penny weight of silver, and the shilling, also, seems to have been originally the name of a weight, as may be inferred from the phraseology of a statute of Edward III.: “*When wheat is at twelve shillings the quarter, then wastel bread*

of a farthing shall weigh eleven shillings and four pence." (a)

Owing to the practice alluded to, at this time, it is supposed in England, that the several denominations of money do not contain more than one third of their original weight, and when this diminution in weight is taken into consideration with the great depreciation in the value of the materials of coin, the real difference in value, between the present and former days, must be very great.

In the present situation of the world a further depreciation in the value of the precious metals is not to be calculated upon from an increase of their quantity : indeed, since the days of Philip and Mary the value of English coins has undergone little or no depreciation. For aught that appears, then, nations have it now in their power to impart a permanent and settled value to their various denominations of money, and thus to establish a fixed and determinate value, to their respective money units. In truth this is already done ; and the only duty which seems to remain is to prevent that value from being unsettled by extravagant

(a) *Wealth of Nations*, book I. chapter IV.

schemes of paper credit, and wild and extensive projects of banking.

In a course of general observations it may not be improper to notice here a remark, which is received by many, as an axiom in political economy.

It is said that an increase of money is always favorable to the prosperity of a nation, and that the decrease of it, will produce a contrary effect. This proposition, which has been admitted to be correct, to a certain extent, is nevertheless to be received (to use the words of a very grave and ancient lawyer) "with many grains of allowance." Mr. Hume in his "Essay on Money," advances as a principle, that it is of no importance to a nation, considering it to be insulated, whether the amount of money which it circulates be little or much: for in proportion as the coin is increased or diminished, a greater or smaller number of pieces of it, will only be necessary to circulate property and commodities. But he, also, admits that the increase of money may be, for a time, beneficial to the community, by giving a spring to industry and enterprise. The price of property, he says, does not immediately rise with the increase of money; but the increase

of money, after its influence is felt, gradually leads the rise of property. Thus when large portions of money are poured into a country, from mines or other sources, those who own it can extend their business, multiply their enterprises, and consequently employ more workmen and artisans, and buy up more of the produce and manufactures of a country to export. This increased demand for labor and commodities, naturally and by degrees begins to enhance their prices, and this continues to be the case, until they catch up to the increased quantity of money. When this point, in the rise of property, is attained, the proportion is restored between the price of commodities and the quantity of money: and then matters proceed in the same manner, as when there was but half the amount of money in circulation.

But when the tide of gold and silver begins to ebb, Mr. Hume attributes the distress and embarrassment, which is the natural consequence of it, to the want of a speedy adjustment and accommodation of the prices of things, to the change in the quantity of money. He tell us that the workman has not the same employment from the manu-

facturer and merchant, though he pays the same price for every thing in the market: the farmer cannot dispose of his corn and cattle, though he must pay the same rent for his land: and so on. But a greater source of distress than these, arises, it is apprehended, from the necessity men are under to pay debts, contracted when things were at the highest prices, with the proceeds of property disposed of at the lowest rates. Thus, it frequently happens, in the course of the changes to which trade and speculation are liable, that a merchant, who to day supposes himself possessed of property enough to pay all his debts, and more; finds in the end, that from a depreciation in his property, he is insolvent. Changes of this kind, not only affect the debtor, but the creditor, for what the debtor is unable to pay, the creditor must loose. (a)

(a) Hume's Essay on Money.

Vicissitudes like those alluded to in the text, and many others which might be named, arising from causes beyond the control of the most discerning and prudent individuals seem at least to suggest the justice of some well regulated system of bankruptcy. Nor can it be inexpedient in regard to the public interest, or in regard to the interest of private creditors, to exonerate honest and unfortunate merchants and traders from the thralldom of pecuniary embarrassments. In this way they will cease to be dead weights upon society,

But if this be a correct view of some of the consequences, attending the increase and decrease of hard money ; the same remarks are equally applicable to the increase or decrease of paper money. And when we take into consideration every circumstance, which attends a fictitious augmentation of a paper medium ; we may be inclined to think, that more is lost by the reaction, consequent upon its diminution, than is gained by the excitement, arising from its accumulation.

Indeed, if we pay a proper degree of respect to the opinions of Mr. Crawford, the secretary of our national treasury, we may be inclined to believe, that the foundations of public credit may be sapped ; the patriotic spirit of the citizens impaired ; and the frugal notions of a republican people destroyed, by an inordinate swell of paper credit. This able political economist and statesman remarks, in his late report concerning banks, what cannot be too often transcribed and re-

and be converted into active bees in the political hive.—Their effects, at the same time, will be equally and justly distributed among their creditors, to the exclusion of that system of snatching, which takes place in some of the states, where the most vigilant, or the most favored, and sometimes the most unfeeling creditor, secures himself at the expense of the rest.—*Note of the Author.*

iterated, and what we now take the liberty to interpolate here, emphasising the concluding sentence.

“ The general system of credit, which has “been introduced through the agency of “banks, brought home to every man’s door, “has produced a fictitious state of things, “extremely adverse to the sober, frugal, and “industrious habits which ought to be cher- “ished in a republic. In the place of these “virtues, extravagance, idleness, and the “spirit of gambling adventure have been “engendered and fostered by our institu- “tions, So far as these evils have been pro- “duced by the establishment of banks, where “they are not required ; by the omission to “impose upon them wholesome restraints ; “and by the ignorance or misconduct of “those who have been entrusted with their “direction, they are believed to be beyond “the control of the federal government.

* * * * *

“ But the federal government has, by its “measures, in some degree, contributed to “the spirit of speculation and of adventurous “enterprise, which, at this moment, so “strongly characterise the citizens of this “republic. The system of credit, which,

“ in the infancy of our commerce, was indispensable to its prosperity, if not to its existence, has been extended at a period when the dictates of sound discretion seemed to require that it should be shortened. The credit given upon the sales of the national domain has diffused this spirit of speculation and of inordinate enterprise among the great mass of our citizens. The public lands are purchased, and splendid towns erected upon them, with bank credits. Every thing is artificial. The rich inhabitant of the commercial city, and the tenant of the forest, differ only in the object of their pursuit. Whether commerce, splendid mansions, or public lands, be the object of desire, the means by which the gratification is to be secured, are bank credits.

“ This state of things is no less unfriendly to the duration of our republican institutions, than it is adverse to the development of our national energies, when great emergencies shall arise; for, upon such occasions, the attention of the citizen will be directed to the preservation of his property from the grasp of his creditors, instead of being devoted to the defence of his country.

“Instead of being able to pay with promptitude the contributions necessary to the preservation of the state, he will be induced to claim the interference of government to protect him against the effects of his folly and extravagance.

“*This ought not to be the condition of a republic, when menaced by foreign force or domestic commotion.*”

In the general observations which have been offered in this essay, no intention exists of lavishing reproaches upon the errors or accidents of former times. The only object is to discover some of those land-marks which are to guide us for future: and as to existing evils, we must make the best of them, taking care to guard against their increase.

Nothing is more natural than for enterprising men to avail themselves of every honorable facility, to push their projects and enterprises; nor do they recur to what will be the ultimate effect of the means they use, upon the general interests of society.

But it is the duty of every wise government to foresee consequences, and to guard by moderate and prudent measures against future evils.

In this country it has been honestly and repeatedly asserted in relation to banking institutions, that the government cannot, with propriety, refuse the privilege of a bank to one set of individuals, after having granted a similar favor to another: proceeding upon the notion that no exclusive privileges are to be granted, in a state where equal rights, among the people are recognised. This is undoubtedly a very plausible observation, and to a certain extent no less true than plausible. But when it is considered that no government whatever, is bound to grant privileges to private individuals, which in the end will produce a public mischief, the argument alluded to, will be subject to very essential qualifications.

In the succeeding numbers of this class, we shall endeavor to illustrate how far public and private interests coincide in relation to banks: some remarks upon the establishment of a mint will be offered: and the subjects of a national bank and a national debt will be briefly considered: all of which are branches of our fiscal policy.

ESSAY II.

OF THE NATIONAL CURRENCY, AND THE ADVANTAGES AND DISADVANTAGES OF BANKS.

IN discussing the subject before us, we shall, in the first place, attempt to explain the use of hard money ; secondly the value of it : and thirdly, we shall inquire after the advantages and disadvantages of banks and paper money.

In the first place, money may be denominated a tool or implement, by means whereof the operations of trade and commerce are facilitated ; or a medium through which individuals effect exchanges of one sort of property for another. For example, an individual having a horse, sells it to a A. for an hundred silver dollars, and with this money he buys B's. oxen, and B. with the identical pieces of silver, purchases C's. good merino sheep, and C. with the same cash, purchases from D. his five cows and thus, through the medium of this hundred dollars, property to the amount of four hundred dollars is changed from one hand to another, among several persons. This is the use of money, and hence it is called the circulating medium. It is

Continually passing from hand to hand, and furnishing, in every transition, a medium of exchange.

Before we proceed to inquire as to the value of money, it may not be amiss to remark, that the foregoing illustration demonstrates a small quantity of money to be sufficient, for the exchange of a large amount of property.

Thus much of the use of money, and now of its value. And here it may be generally observed, that one essential quality of money is its intrinsic value. Hence all commercial nations have esteemed gold and silver to be the best materials for coining money.

But in regard to the value of money, there is a plain distinction between its value to an individual, and its value as a national property.

As it appertains to an individual, money is certainly the most valuable thing he can have, on account of the power it gives him to procure all other things. But so far as money is necessary to constitute the circulating medium of a nation, it constitutes no part of the riches of that nation; on the oth-

er hand, it is a charge upon it ; in as much as a nation is at great expense of labor and commodities, to procure bullion, and afterwards to convert it into coin. Indeed, so far as money is necessary to supply the circulating medium, it is a tool, the materials of which must be purchased, at the expense of an equal value of the goods and necessaries of life.

This distinction, relative to the value of money, must be apparent upon a moments reflection ; but another illustration may render it still more plain.

Every skilful and prudent mechanic, when he sets up trade for himself, will not expend more for his tools, than is absolutely necessary ; because every purchase of this kind abridges his active capital, and is an indirect drawback upon his profits. His tools, in themselves, are an unproductive property, continually wearing out and lessening in value. In like manner the current coin of a nation does not, of itself, increase, but is continually diminishing in its value ; it produces in itself no revenue, but on the contrary is a continual charge upon the nation. The nation never eats, drinks, or wears it, but has

to part with a portion of its useful commodities, in order to procure it.

If these remarks are correct, it is evidently the policy of every well regulated and provident nation not to encourage the extension of their circulating medium, beyond the actual wants of the public.

Should, however, more gold and silver accidentally flow into a country, through the channels of commerce, than should actually be wanted to supply the circulating medium, the surplus, not wanted for the purposes of domestic exchange, would immediately flow off through the same channels into other countries, where it might be more wanted, on account of some temporary deficiency in the precious metals..

Little or no danger, therefore, is to be apprehended from a redundancy, in the hard money currency of a nation ; because money, like water, when unobstructed in its natural current, will seek its own level and equalise itself. And wherever a hard-money currency exists, all commodities being measured by such a standard of value, will be found to have their real coincide with their nominal prices. And the good effects of such a state of things will be immediately percep-

tible, upon a comparison of the value of commodities in such a country, with the value of commodities in other hard money countries, because a commerce between such a nation, and other hard money countries, will proceed upon a basis, resting in the natural and real value of things.

But the introduction of paper, as the representative of gold and silver, upon banking principles, has always had a tendency to overturn this desirable basis. By this remark, we are led to consider the third branch of the subject proposed, viz:—The advantages and disadvantages of banks, and of paper money.

Commercial communities have seldom been content with a hard money currency, but they have resorted, through the instrumentality of banks, to a paper medium, by which the circulating currency has been frequently increased, to an extent exceedingly prejudicial to the interests of agriculture, manufactures, and commerce.

The abuse of banking institutions, however, furnishes no argument against a well regulated banking system. Indeed it is the legitimate object of all banking institutions,

to help, and not to hurt the prosperity of a country. And if a banking system, in any country, is well managed, very considerable public advantages will result from it, and the trade of the country will be increased by it. But it may be asked, in what manner will a well regulated banking system produce this effect? And to this it may be answered: because it enables the merchants and traders of a country to take a portion of that gold and silver, which, without banks, they must have by them at home, to make purchases, and pay debts, and send it away to foreign countries, to purchase commodities there, supplying the place of this absent money by bank paper. And in this way, a portion of that gold and silver, which was constantly wanted, to supply the circulating medium at home, may be sent to India, or any other part of the commercial world, and exchanged for foreign commodities. Thus a portion of that silver and gold, which was unproductive at home, is converted into a productive commercial capital.

This is the advantage which a community derives from banks; and if an idea so simple wants the support of authority; that sup-

port may be derived from the writings of David Hume and Adam Smith.

Upon the notion assumed, it is evident that the issues of bank paper ought never to exceed the amount of gold and silver, subducted from the circulating quantity, for the purposes of foreign commerce, added to the amount kept in the coffers of the banks; for the moment they do, the currency, in a degree, becomes fictitious and artificial, and the advantages designed to result from banking institutions, are at an end, and the disadvantages attending these establishments commence.

But it may be here inquired, if the amount to be supplied by banks is not to exceed the amount subducted for the purposes of foreign commerce, how are the banks themselves to obtain an interest for their capitals? since the profit of every bank depends upon its loaning a larger amount of money, than the amount of its actual capital. This question is easily answered by a supposition. Suppose that to supply the circulating medium of the United States, fifty millions of hard money, were requisite, and it should be thought advisable to supply the place of half

this amount by paper, in order that an equal amount of hard money might be converted into an instrument of commerce. To accomplish this end, let the remaining twenty five millions be divided up among forty or fifty banks, created in the United States, with authority to loan, upon banking principles, twice the amount of their capital stock, and then these institutions would issue specie and paper to the amount of fifty millions of dollars, the sum required to supply the circulating medium ; and in this way the circulating medium would not be diminished ; and yet twenty five millions of hard money would be added to the active commercial capital of the country.

Banks instituted upon principles and with objects like these, will always answer an useful purpose : not only, in thus giving activity and extention to the commerce of the country, but in other respects. Through the medium of Banks of this description, the capital of those who have retired from business may be portioned out in loans to the young and enterprising merchants, mechanics, and manufacturers of the country ; each taking a proportion according to the extent of his business, and his stability and credit.

But banks are frequently instituted with no other view, than that of creating a capital entirely artificial and fictitious ; and whenever this happens, a torrent of paper money is issued upon the public, having no specie basis for its support.

When this is the case, banks operate to create an enormous fictitious capital for those who are immediately concerned in them ; and practically destroy that equal distribution of money which is so desirable among a free and enterprising people. And besides, banks of this description serve, to a considerable extent, to unhinge the true relations of society, by opening a wide door to a fictitious state of things. Men are tempted by them to forsake the paths of productive labor ; to abandon the pursuits of agriculture and the mechanic arts ; for the sake of rushing into a scene of adventurous speculation, the end of which is, frequently, bankruptcy.

But the increase of banks necessarily increases paper money, and of course enhances the nominal, though not the real value of things, within the limit of its circulation.

A redundancy of paper money, instead of flowing off, as in case of a redundancy of gold and silver, increases rather than dimin-

ishes ; it being necessarily confined to the country in which it issues, having no value or credit in a foreign state. It may circulate with its paper wings at home ; but the territorial limits of home, are insuperable barriers to its passage abroad.

Therefore, as banks multiply, the circulating paper of the country will be increased ; and as this is increased, the nominal value of every thing will be transported and enhanced.

This unnatural and artificial rise in the price of things, is prejudicial to the nation, and hostile to its agriculture, its commerce and its manufactures.

But how is it hostile to agriculture ? This question may be shortly discussed.

The agriculturalist when cotton is eighteen cents per pound and corn thirty-seven cents a bushel, may find a more ready market for any surplus of either article abroad, than when those articles are at double those prices. It is true that low prices are frequently the consequence of a want of foreign demand ; but it is no less true that extravagant prices discourage exportation. Thus when there is a demand abroad, and prices are reasonable at home,

there will be a brisk market for exportation: but though there is a demand from abroad, when prices are extravagantly high at home, exportation will be discouraged. Whatever then has a tendency to give our own productions a fictitious value at home is unfavorable to the agriculturalist.

In addition to these evils, there is another, resulting from an excessive accumulation of bank paper, which affects the man of solid capital, living upon the interest of his money, as well as those, who live upon fixed and established salaries and stipends.

The accumulation of paper money has a tendency to bring down the rate of interest below the lawful point, and in this way to reduce the nominal amount of depreciated currency which its lender is to receive.— Thus subjecting him to a double loss.

The salary man, also, is always injured by this fictitious state of things, because the prices of every thing are progressively increasing, while his stipend remains stationary.

The notion that planters and farmers are benefited, when corn and cotton commands high prices, is in a great degree, illusive: since a pound of the one or a bushel of the

other will not purchase a greater portion of labor, or a larger quantity of foreign commodities, than when such articles sell at a lower rate. Nay, in consequence of the high price of things, brought about by floods of paper money, foreign commodities are generally greatly enhanced in price, and it may be doubted, whether the farmer's bushel of corn or the planter's pound of cotton, will purchase as much tea, rum or sugar, as in hard money times.

All imported commodities, the moment they are brought within the sphere of an extravagant paper money system, are transported in price, as by the operation of enchantment ; and hence it frequently happens, that while the farmer and planter find their produce dull of sale, at home, they have to pay enormous prices for foreign commodities. And thus it is, that agriculture and the farmer are, imperceptibly injured by an extravagant paper money system.

Let us now pass on to inquire, more particularly, in what manner commerce is injured by extraordinary quantities of paper money, afloat in a country ; keeping the United States in view, for the sake of a more easy illustration.

The commerce of a nation is carried on by exchanging its own money and commodities for the commodities or money of other countries. Whenever, therefore, it happens that our commodities are very high, the profits upon their exchange must be diminished in proportion to their rise in price.— And although, this diminution may be, in some instances, compensated by the high prices, which the return cargoes may sell for, yet, after all, under the circumstances supposed, the trade of the country, and the enterprise of American merchants are depressed, while foreign merchants and their agents are benefited. The foreign merchant finds a great advantage in shipping cargoes to countries, where an extravagant paper medium is in circulation; because there his cargoes command a high price in paper money; but instead of expending his paper money for the return cargo, at the high prices of the country, he goes to the bank and takes the specie for his bills, and carries this home with him, where one dollar of it will purchase a great deal more, than a dollar's worth of the produce of a paper money country.

Even our own merchants, will obtain specie with their bills, and send it into foreign

countries to buy goods, in preference to exporting the productions of the country. Who has not heard it repeatedly said, that money was the best thing to send to England to buy goods?

These remarks do not involve the difficulty of sending empty ships across the Atlantic ; because freights of some kind or other may be generally obtained from those who have no specie to make remittances : on the other hand, they serve to develop the pernicious consequences of a redundant paper money system, in relation to commerce and agriculture both.

We come lastly, to consider the effects of an extravagant paper money system upon the interests of manufactures. And here it may be observed, in the outset, that the manufactures of every country, must be injured by a vicious paper money system ; and whenever manufactures are struggling for an existence, they must feel the ill effects of a disordered currency in a peculiar manner.

If, in addition, to the variety of discouragements attending infant manufacturing establishments, those embarked in them, owing to the influence of a diseased paper money

system, have to pay extravagant prices for labor and raw materials, they are not on a fair footing to contend in the market, with the manufacturers of other countries, where a hard money system prevails, or a paper system bottomed on hard money.' In effect, under the circumstances supposed, the foreign manufacturer enters the market, under greater advantages, than the home manufacturer: a consequence which ought never to be permitted by wise and enlightened governments.

Thus far have we endeavored to discuss the advantages and disadvantages of banks and paper money, together with the other points connected with the subject proposed; and the views we have taken, serve at least, to suggest the importance and necessity of great care and vigilance on the part of our governments, both national and state, in regard to the circulating medium of the country.

ESSAY III.

OF A MINT.

"A PLAN for an establishment of this nature" says Mr. Hamilton "involves a great variety of considerations, intricate, nice, and important. The general state of debtor and creditor; all the relations and consequences of *price*; the essential interests of trade, and industry; the value of all property; the whole income, both of the state and of individuals, are liable to be sensibly influenced, beneficially or otherwise, by the judicious or injudicious regulation of this interesting object."

Nothing is, perhaps, better calculated to convey to the mind, the importance of some regular and fixed standard, by which what is denominated value in exchange is to be ascertained, than the preceding remarks in relation to the establishment of a mint. The authority from which they are derived, and their intrinsic weight are sufficient to entitle them to the highest respect, in discussions regarding political economy.

By the establishment of a coinage, government fix and settle the value of our hard

money, and practically enforce the circulation of coins corresponding with the statute value, both in regard to weight and fineness. The institution of a mint, protects us from losses arising from the adulteration and depreciation of foreign coins, and places the citizens of a nation, in regard to the value of money, beyond the reach of foreign powers and princes.

At the time Mr. Hamilton wrote his report upon the establishment of a mint, the dollar originally contemplated in the Money transactions of this country, by successive diminutions of its weight and fineness had sustained a depreciation of five per cent; and it has been among the objects of a national coinage, to guard the interests of business, and commercial transactions from depreciations of this kind.

But it is not the object of the present Essay to discuss particularly the various topics connected with the institution of a mint; it is sufficient to remark, that its great and leading object is to establish, as permanently as the nature of things will permit, the value of the coin of a nation. In this view of the subject therefore, an important reflection presents itself. A nation which is very nice

and particular in attempting to establish the weight and value of its hard money, and which is, at the same time, so regardless of its interests, as to suffer its money to be in fact depreciated by floods of paper, may be said to be straining at a gnat, and swallowing a camel.

Without making any application of this remark however, it is to be observed, that in this country the authority, which is competent to control and influence the hard money currency, is not fully competent to regulate the paper medium, which issues from the banks of the states : But, notwithstanding, the states have, obviously, a strong interest in co-operating to promote the general welfare, in regard to the circulating medium.

ESSAY IV.

OF THE NATIONAL BANK.

HAVING discussed, the subject of the monied currency of the nation ; our attention seems to be naturally drawn towards the National Bank ; an institution, whose opera-

tions must be sensibly felt in all the pecuniary negotiations and arrangements of the country.

After the long and obstinate controversy, which has existed in the United States, in regard to the constitutionality and expediency of this establishment, the minds of men, for the most part, appear to have settled down, under a conviction of its legality and utility.

Some of the most distinguished men, in this country, have been, in former days, decidedly of the opinion, that Congress had no constitutional power to incorporate a national bank: and many of the number, have seen cause, of late years, to adopt a different opinion. Such changes of opinion frequently occur, among statesmen and politicians, as well from new views taken of the subject, as from the suggestions of experience; and they are, by no means, to be regarded, as derelictions of principle. Indeed, they are frequently evidences of ingenuous minds; and they never ought to shake the confidence of the public, in an individual, unless the alteration of opinion can be traced to some interested motive.

But not to digress too far; it is fair to con-

clude, that the ultimate concurrence of sentiment, which has taken place, in respect to the institution in question, amounts to a general acknowledgement of its constitutionality and probable utility.

But it will be agreed on all hands, that the future usefulness of this establishment depends entirely upon the manner, in which it is managed and conducted. If it should ever be converted into a gigantic engine of favoritism and speculation ; and should the sole object of its directors ever be to raise the price of its stock, in the market, and to augment the dividends of the stockholders, regardless of the public interests ; the people of the United States will regret the day in which the institution was revived. But, if on the other hand, being content with reasonable profits, its managers endeavor so to direct its operations, as to confine, as far as possible, the circulating medium of the country to a hard money basis ; if they strive to equalize, as far as practicable, the course of our internal exchange, and to promote other useful objects, it will probably produce great advantages to the nation.

To undertake to demonstrate in what particular manner, the national bank ought to

be managed, in order to effectuate the most completely, the best interests of the nation, would be, not only indecorous, but preposterous. The mode of management must necessarily depend upon times and circumstances; but the public ought never to forget that its interests are, in some measure, identified, with a faithful and judicious superintendence of the bank.

The eyes of the nation, therefore, ought always to be upon the national bank, and, so far as the national government has any active agency or control in its management, it ought to be exerted, in a manner best calculated to promote the interests of agriculture, commerce, and manufactures.

ESSAY V.

OF A NATIONAL DEBT.

A NATIONAL debt has been another subject of much controversy, among the people of the United States. Some have strenuously opposed the contracting and increase of a public debt, as a thing dangerous to the interests of the people; while others have apprehended no danger on that score.

but on the other hand have esteemed a public debt a public blessing.

Perhaps both of these opinions will be found equidistant from the correct view of the question ; and the truth will be discovered, where it generally is, midway between opposite extremes.

That it is more advantageous for our government to resort to loans, on particular occasions and sudden emergencies, than to heavy and burthensome taxes, must be admitted ; unless, the consequences, which may ultimately follow the practice, are sufficient to overbalance the present conveniences which may attend it. But, when it is considered, that these consequences must depend upon the extent or amount of the debt, which government may think proper to contract ; it will be perceived, that the people may, with propriety, rely upon the wisdom and discretion of their rulers, to shield them from every anticipated evil on this score.

If, in a few years of war, the government contracts no greater debts, than the nation will be able to discharge, during the succeeding years of peace, the advantages resulting from such loans seem to be unquestionable.

But, if, on the other hand, our rulers should accumulate the national debt to an immense amount, the people might justly apprehend the most disagreeable consequences in the burthen of great and permanent taxes, which would be entailed upon them. Taxes, which, after all, would be only sufficient to pay the interest of the debt, without contributing a penny towards the payment of the principal.

The debt of Great-Britain originated in the time of William III. about one hundred and thirty years ago ; and it gradually increased, up to the year in which our revolutionary war commenced. At that time the British national debt amounted to about, 125,000,000 pounds sterling, or to about 553,000,000 dollars of our money. Since that time it has increased prodigiously, and the unredeemed debt of Great-Britain and Ireland amounts now to the sum of about 800,000,000 pounds sterling. The payment of the principal of this debt has been, long ago, given up as an idle project ; and the government of the nation has now no way left to sustain its credit, but by the payment of the annual interest ; which if computed at five per cent. per annum, would

saddle the people of Great-Britain with the enormous annual tax of 40,000,000 pounds sterling.

Should the rulers of this country, proceed with no more caution, in the management of our debt, than the English have done, in the management of their's, it requires no prophetic spirit to foretel the calamities to which this country may be subjected.

There have been those, however, who have asserted that the enormous debt of Great-Britain is, upon the whole, serviceable to the British government: and this notion is embraced by them, under an idea, that the payment of the interest of this debt, depends upon the continuance of the government; and as all the people of property in Great-Britain, are necessarily directly or indirectly interested in the payment of this interest, this description of people are, of course, strongly interested in supporting the established order of things. This reasoning is undoubtedly true; but after all, admitting their great debt to be beneficial, in this way to the government; it is difficult to perceive, in what manner the people at large are benefited by it.

But, however, this may be, in regard to

Great-Britain; here, it is apparent, that a national debt, large enough to create an artificial interest in favor of government, could not be a benefit to the people, or the government itself: for, should our national debt, ever be large enough to control private opinion, or create a party subservient to the government; it would operate in direct hostility to that freedom of opinion, which is the source of all our political enjoyments. It is, therefore, difficult to perceive how the people of this country could derive any advantage from a debt, which might serve to corrupt the first principles of their liberties.

But besides this, there is another point of view in which a large national debt may be considered, as hostile to the true interest of the nation. It may be fairly presumed, that whenever our debt increases to such an extent, as to render our taxes burthensome to the people, great popular discontent will be the consequence. And as we have not here a king or house of lords to check the will of the people, we might resort, through the intervention of our representatives, to expedients which would virtually destroy the pecuniary obligations of the nation. An occurrence of this kind, to be sure, is to be

depreciated ; but who will undertake to say, that such an occurrence might not be the *quietus* of an inordinate national debt ?

Our dread, however, of an event of this description, which would be so unpropitious to the government, is, in a great measure removed by a consideration of the difficulty, which our government would encounter, in effecting loans beyond a certain amount. This difficulty would arise from an apprehension, on the part of the money lender, of an inability or unwillingness, on the part of the people, to be taxed too heavily, for the payment of interest on the public loans.— For instance, suppose the debt of the United States now amounted to as much as the national debt of Great-Britain, in 1775: say 550,000,000 dollars. The interest of this sum, at six per cent. would be of itself 33,000,000 dollars annually; which, added to the ordinary expenses of the government, exclusive of the interest of our subsisting debt, would require an annual revenue of say 50,000,000 dollars. To raise such a revenue would call for a multiplication and increase of our taxes, to such an extent, as might produce very serious disaffections

among the people: disaffections which might shake, if they did not entirely destroy the ability of the government to borrow further sums.

In Great-Britain, however, the money lender has not so much to fear, on account of popular discontents: because there loans are generally founded upon some tax voted by parliament; a repeal of which may always be prevented, by the king or the lords: and, as long as the tax continues, the lender reposes himself confidently, upon the executive energies of the government for its collection, which are by no means trifling.

But, the structure of our government does not permit the will of the people to be checked; neither could the power, operating in Great-Britain, for the collection of taxes, be placed here entirely independent of the people, without subverting the government itself. It seems, therefore, to result, that a resort to loans for the supply of public wants, to a certain amount, may be calculated upon here, with safety and advantage: but beyond a certain amount, loans become dangerous to the credit of the government, and burthen-some and disgusting to the people.

From the few observations which have

been made, upon the subject of a national debt, we may perhaps come to this conclusion, that it is the duty of government, at all times, to borrow as sparingly as possible, and by all means to discharge the public debts, with all convenient dispatch; in order that the people may be kept free of excessive taxes, and the credit of the government preserved against the hour of need.

ERRATUM—Page 249 for Class II. of Part IV. read
Class IV. of Part II.

PART III.

ESSAY I.

OF THE FOREIGN RELATIONS OF A REPUBLICAN STATE.

THIS department in the affairs of government, concerns the intercourse which takes place between one country and another, and among other things, embraces commercial arrangements of every kind, treaties of peace, and declarations of war.

Before the exercise of these important power are separately discussed, it may not be amiss to hazard some general reflections, naturally arising, in prospect of the interesting and difficult branch of political economy, now proposed for consideration. Such remarks may, at least, give a complexion to subsequent observations, of a more particular character, and serve, in this way, as an introduction, not altogether abrupt, to the concluding chapters of this brief work.

The foreign relations of almost all civilized countries, have, obviously, a very important connection with their happiness and

prosperity; and, of consequence, the management of them calls for great wisdom, experience, firmness, and integrity. But, although, a nation may be favored with wise, upright, and skilful politicians, in this department of its concerns; it will frequently happen, that the most intelligent and virtuous men, cannot conduct affairs to a desirable issue.

An inordinate spirit of domination, or avaricious and monopolising dispositions, prevailing in the councils of other nations, are not always to be controled by long and patient appeals to justice; and, therefore, the most pacific and wise nation, may be, unavoidably, subjected to troubles and collisions. In effect, let the dispositions of those in power be ever so conciliatory, it may be, nevertheless, impossible to avoid war, without a sacrifice of the honor and interests of the country.

These reflections, upon the arduous and difficult duty, devolved upon those, who are placed in the direction of the foreign relations of a state, naturally suggest some important lessons to a republican people.

In a government like ours, for instance,

where the sovereignty resides with the great body of the citizens; while the conduct of every ruler and public agent should be regarded with vigilance; care ought to be taken, that clamorous, hasty, and unmerited censures are not bestowed upon those, who are charged with the management of difficult and important concerns. It becomes a good citizen never, rashly, to array himself against the measures of his government: but if, upon a candid and dispassionate review of the public measures, he is satisfied, that the affairs of his country are injudiciously conducted, he will take proper occasions to express his opinions, and will use all constitutional means to remove from authority the authors of the public misfortunes.

In times of war, the duties of those who are placed in the management of our foreign concerns, are peculiarly arduous: a political situation can hardly be imagined, which calls for deeper reflection, more accurate judgment, or more cool courage, than that, which involves the care of watching over the lives and fortunes of thousands and thousands of the human family. In such eventful times, therefore, the public ought maturely and candidly to consider the measures of govern-

ment, before they permit themselves to condemn them, as inefficient or unprofitable.

By our forms of government in this country, we have an undoubted right to exercise our judgments freely, in relation to all matters, of public interest: but however, we may happen to think of the folly, or inexpediency of public measures, we are, generally, under the strongest moral obligations to obey the constitutional requisitions of the government.

“The very idea of the power and right of “the people to establish a government” says the great Washington, “presupposes the “duty of every individual to obey the estab-“lished government.” And, “all obstruc-“tions” he says in his Farewell Address, “to “the execution of the laws, all combinations “and associations, under whatever plausible “character, with the real design to direct, “control, counteract, or awe the regular de-“liberations and actions of the constituted au-“thorities, are destructive of this fundamen-“tal principle, and are of fatal tendency.”

In taking other general views of this subject, it occurs to us as a thing impossible to prescribe rules for the management of every case, which may arise in the progress of the foreign concerns of a country: but, notwith-

standing this, there are some general notions relative to the subject, which may be always, adhered to by the people of this country advantageously.

That a spirit of justice and moderation should be, on every occasion, observed by us towards foreign nations, will be readily admitted, by every moral and intelligent citizen; for nothing, surely, is more fitting a republican people, than a scrupulous regard for the rights of nations and mankind. In truth, a republican state, while it exacts from others a proper respect for its own rights, will cheerfully yield to them the same measure of deference which it requires for itself.

The idea, that nations ought to be influenced by notions or feelings of gratitude, in their intercourse with each other, is idle and absurd. National gratitude is a solicism in language, imparting to the mind no definite or comprehensible notion. Gratitude is an exercise of the heart, arising from a sense we entertain of mercy or favor extended towards us by another, and has relation to physical intelligent existences: but, political societies, being moral existences, cannot, in the nature of things, be influenced by feelings

of this description. And, indeed, were whole nations, capable of exercises of this kind, they would be seldom brought into action, in regard to neighboring states; because, gratitude is not to be excited by the conduct of those, who act with an exclusive regard to their own interests, although it may be productive of some accidental benefit to us.

Honest friendship with all nations and entangling alliances with none, is a maxim; which deserves to be kept continually in view, in the management of the foreign relations of this country; and no false ideas of national gratitude ought to interfere with this judicious precept.

On the other hand, with equal truth it may be remarked, that prejudice and antipathies ought to have no influence, in the management of the concerns of an intelligent and free people. These answer well enough to mislead ignorance, folly, or fanaticism, but liberty and happiness are safer without them.

If Great-Britain, at any former period, has attempted to withhold from us the independence we now enjoy, she has failed in the attempt; and we ought not, on that account, to indulge a disposition, unfavorable to any

of her measures in relation to us. Such a disposition is of dangerous tendency, subjecting us, in a certain degree, to the guidance of our prejudices, and removing us, in a corresponding degree, from the influence of reason. Indeed, it is sufficient for us dispassionately to review the conduct of all nations towards us; and firmly to exact justice from those who infringe our rights.

But, while it is manifestly proper to guard against the influence of prejudice, in the management of our national concerns; it is no less a duty to take care, that we are not misled, by any supposed assimilations of interests, between ourselves and other nations, arising from a conformity in manners, language and religion. The friendships of nations are bottomed upon reciprocal interests, much more, than in any similarity of language, manners, and religion. It is true, that circumstances of this kind facilitate and harmonize an intercourse, which has mutual advantage for its basis: but, after all, they only facilitate the operation of causes, and are not themselves efficient.

Unless a nation keeps a steady eye to its own interests, a similarity between the language, manners, and religion of a monarchy

and of a republican state, between which a considerable degree of intercourse may exist, might be attended with dangerous consequences to the latter: as it might have some tendency, in the republic, unfavorable to the sentiments of liberty, which are always to be sedulously cherished in such a state.

But, be this as it may, all will agree, that the general welfare of the nation and people is the legitimate object, of a wise administration of its foreign concerns; and, so long, as those, placed at the head of affairs, steadily, honestly, and judiciously pursue this object; discarding idle prejudices and idle partialities; in every event, both honor and interest will conspire to render it the duty of the people, to afford them every aid and support.

ESSAY II.

OF WAR AND ITS VARIOUS KINDS.

THE life of government, says Montesquieu is like that of man. The latter has a right to kill in case of natural defence, the former has a right to wage war for its own preservation. Various authors give various definitions of the state, denominated public

war ; but all these various definitions necessarily result in this, to wit : A state, in which nations contend with one another, under the authority of their respective governments, by force of arms, for the recovery, maintenance, or defence of their actual or pretended rights.

Independent of this general definition of public war, there are various kinds of war denominated, civil, private, and mixed war. Civil or intestine wars are well known to mean those hostilities, which are frequently carried on, between the people of the same country or state. Private wars are such, as are conducted by combinations of individuals, acting without authority from any established government ; and mixed wars are those, which, on one side, are conducted under the authority of some established government, and on the other, by individuals, acting without such authority.

As the object of the present essay is briefly to examine the different kinds and characters of public wars, no time will be consumed, in the discussion of any other topics.

Nor would any inquiry, into this particular subject, be at all useful, were it not in some degree, necessary to lead us to a proper,

understanding of Alliances offensive and defensive, about which, something will be said, under the head of Treaties.

Public wars are either offensive or defensive ; and that nation which first makes a declaration of war, or without a declaration of war from its enemy, commits the first act of hostility, whether justly or unjustly, commences an offensive war : and the nation, which in consequence of this, enters into a state of war, in respect to the other, begins a defensive war. "We must therefore, (says Burlamaqui, after having spoken of just and unjust wars) take care not to confound this with the former distinction, (touching offensive and defensive wars) as if every defensive war were just and on the contrary, every offensive war unjust. It is the present custom (he continues) to excuse the most unjust wars, by saying they are purely defensive. Some people think that all unjust wars ought to be called offensive, which is not true ; for if some offensive wars be just, as there is no doubt of it, there are also defensive wars unjust, as when we defend ourselves

“against a prince who has had sufficient provocation to attack us.” (a)

Mr. Hamilton, in the numbers written by him, over the signature of Pacificus, in support of President Washington’s declaration of neutrality recognises fully this definition of an offensive and defensive war. And, since the language of that illustrious patriot, will ornament any literary production, however elegant or profound, it will surely, happily illustrate, the present imperfect essay. “We must therefore affirm” says this perspicuous writer, “that the first who takes up “arms, whether justly or unjustly, commences an offensive war; and he who opposes him, whether with or without reason, begins a defensive war.”

Having said thus much, as to the kinds of public war; a few remarks upon its different characters, will clear the way for other discussions.

In point of character, wars are either just or unjust. A just war is that, in which a nation aims only at the defence and maintenance of its own rights, which are either invaded or imminently threatened; while on

(a) *Principles of Natural and Politic Law*, part 4th chapter 3d, 30.

the other hand, that nation which carries on a war, with the sole view of depriving another state of its rights, is engaged in an unjust war.

While it is certain, that a war cannot be strictly just on both sides, it is equally evident, that every war is more or less just or unjust, according to the circumstances in which it may have originated. Indeed, in investigating the causes of quarrel, which have existed among nations, we shall frequently have occasion to remark, as we do in regard to the controversies of private individuals, faults on both sides.

A war, likewise, which was perfectly just in its origin, may, by circumstances, become perfectly unjust ; and this happens when one nation having commenced a war against another for a good and sufficient cause, conducts its operations in such a manner, as to induce its enemy to sue for peace, upon such terms as will afford complete security, restitution, and indemnification to the offended power : but which terms, the offended power chooses to reject, for the sake of prosecuting the war still further, for its own aggrandizement, or out of a spirit of revenge.

In a case of this kind, the character of the

war is reversed, and that party which was right in the first instance, acts subsequently with injustice ; and the state, which was in the first place wrong, will be justified in defending itself to the last extremity. (a)

In the subsequent chapters upon the duty of government in making war and peace, we shall endeavour to illustrate, more fully, the principles and views suggested in this essay.

ESSAY III.

OF THE DUTY OF A REPUBLICAN GOVERNMENT AND PEOPLE, IN RELATION TO DECLARATIONS OF WAR.

WHEN the Representatives of a great and free people, are convened for the purpose of deciding the momentous question of war, no human assembly can present a more interesting spectacle. A thousand awful reflections associate themselves with the solemn scene, and conspire to remind every actor of his deep responsibility to God and man. Upon the determination of such an assemblage hangs the lives and happiness of

(a) Vattel, Law of Nations Book 3d Chap 3, §. 39

vast numbers of the human race, who by an unforeseen destiny are consigned to poverty or the grave by a declaration of hostilities.

When, therefore, we take into consideration the dreadful calamities attendant upon war; the sacrifice of life; the waste of property, and the numerous misfortunes which follow in its train; the humane and benevolent mind shudders at the idea of wantonly exposing a nation to its ravages.

Wars undertaken for inadequate causes, with the real design of pampering national avarice, or of gratifying national ambition, are of all human transactions, the most unjust and criminal. The licentious robber, who stops us upon the highway, and jeopardises our lives to gain possession of our property, receives the severest animadversions of the civil code: but, how much more obnoxious to community, is the wretch, who will wantonly jeopardise the lives and happiness of countless numbers of his fellow-mortals to gratify his ambition, his cupidity, or his revenge! One of the Turkish Emperors, having declared war against a Tartar Chief, lost an only son, who was defending one of the

frontier posts of his father's dominions, at the commencement of hostilities. This afflictive stroke of war, was deeply felt by the Emperor; but dissembling his grief, he put himself at the head of his forces, and marched towards the enemy. As he proceeded on his way, ruminating upon the fate of his beloved son, he beheld a shepherd, sitting under a tree, playing upon his pipe, with his flock around him. Struck with the appearances of peace and contentment which surrounded this humble mortal, the Emperor, in the anguish of his soul exclaimed, alas! that man weeps not for an only son!

But, how many sons, fall victims to every war: and if they are sacrificed in an unjust contest, their blood must be upon the heads of those, who are the authors of the calamity.

A republican state never should be guilty of an unjust war; nor ought it suddenly and rashly to resort to a just one, while any honorable effort can be made to avoid it.

It is much more easy to involve a nation in the calamities and distresses of war, than it is to extricate it from them with safety and honor. Those, therefore, who are called to deliberate and decide upon a question of such vast consequence to political society, should

carefully examine themselves, and first exclude from their minds all passion, prejudice, and party spirit ; keeping nothing in view, but the true honor and interest of their country.

The expediency as well as justice of a war ought to be manifest, before hostilities are resorted to. Wars commenced for slight causes, not having in view the maintenance, of any important national rights or principles, are exceedingly censurable ; but when principles are at stake, it is difficult sufficiently to appreciate their value.

It was a maxim, with the celebrated Dutch patriot, John De Wit, that no independent state should surrender to any earthly power, any reasonable and equitable right ; because, such surrenders tended, rather to invite hostilities and insults, than to prevent them. (a)

But a war may be frequently extremely just, in respect to the power against which it is declared, and yet very censurable, in relation to the nation declaring hostilities. In this view of the subject, it may be remarked, that war should never be declared if it can be avoided, until the nation is, in some measure, prepared for it : for to make war first, and

(a) Hume's England, reign Charles II.

prepare for it afterwards, is inverting the natural order of things, and inviting disasters, calamities and defeats.

Wars undertaken with views, solely to their utility cannot be justified in the eye of reason. Hence the war, waged in the year 1792, and which ended in the complete and final partition of Poland between Russia, Prussia, and Austria, was manifestly an unjust and cruel war.

Wars, also, undertaken to impair the commercial prosperity of a neighboring state, and with the design of engrossing, commercial advantages, at the expense of another nation, are palpably unjustifiable. Of this character was the war which Charles II. waged, with the hearty concurrence of his people, against the Dutch in the year 1665.

Previous to this, the Dutch, by their industry and frugality were in possession of a commerce, far more extensive and lucrative, than that of the English; nor could the English merchants, by fair means, possess themselves of the commercial prosperity of the industrious Hollanders. The English, resolved, therefore, to attack them, with the double view of destroying their trade, and extending their own. Accordingly, the

foreign possessions of the Dutch were ravaged, and among the rest New-York, then called New-Amsterdam, was captured, and a violent and sanguinary contest, highly honorable to the Dutch, ensued upon the seas. (a)

Burlamaqui remarks, that, "it would be "an unjust war to take up arms against a nation, in order to bring them under subjection, under pretence of its being their interest to be governed by us. Though a thing may be advantageous to a nation, yet this does not give us a right to compel them, to it. Whoever has the use of reason, ought to have the liberty of choosing what he thinks advantageous to himself." (b)

And here, it may be observed, that a departure from this principle cannot be well excused in a people, who make the equal rights of mankind the basis of their civil institutions.

A war, undertaken by a foreign state, to establish the power of impressing their own seamen, from our ships, is certainly one

(a) Hume's England, reign Charles II.

(b) Burlamaqui's Principles of Natural and Politic Law, part 4, chapter 2, XIII. and XIV.

which has a tendency to encroach upon our sovereignty, and to injure our interest: inasmuch, as the exercise of the power, contended for, necessarily submits the liberties of our own citizens, to the arbitrary control, or hasty judgment of the naval officers of a foreign state.

But since the rights of expatriation are not absolute; but only conditional: and since every nation has an unquestionable right to the services of their unexpatriated subjects, in time of war, (a) it remains to be inquired, whether, before a nation undertakes by force to resist the claim of impressment, she ought not, as a matter of expediency, to exclude from her vessels the natural born subjects of the state urging the claim. In the discussion of this question, it occurs, that while on the one hand, it would be a shameful surrender of the rights of citizens, to submit their personal liberty to the will or caprice of foreign naval officers; so on the other, it would be extremely absurd to go to war, to establish the security of foreign seamen, on board of our ships, in opposition to the claims of their native country. It will be always sufficient for us, to protect on the

(a) *Essay VI. Part I.*

ocean, our own native born citizens, without undertaking to render our ships, a refuge to the whole world of mankind.

To prevent collisions on this score, it seems just and expedient, that we should, by wise national regulations, exclude from our ships the native born subjects of such countries, as have an objection to their employment in our service; taking care to naturalize all such individuals, subject to such a disability.

Having done this, and continuing to execute such regulations with good faith, we shall have just cause of war against any foreign power, who will, notwithstanding, exercise the right of impressment. (a)

A war made to destroy the rising greatness of a neighboring state, because, by possibility, that greatness may prove injurious to us, is, most clearly, an unjust war. A war of this description admits of no justification, upon the ground of necessity, any more than the conduct of a man, of ordinary strength and size, in a state of nature, who should undertake to cut off the leg or arm of a fine young fellow, in his neighborhood, upon the plea, that should this youth come

(a) Statute of the United States.

to his full size and strength, destitute of any maim, he would be more than a match for him. *(a)*

But if, for instance, we should perceive Great-Britain transporting large armies into Canada, strongly fortifying herself along our northern frontier, and building numerous ships of war upon the lakes, we could suppose nothing, but that she meditated some hostile attack upon us: and under such circumstances, if she did not give satisfactory explanations of her conduct, we might be justified, in forcibly interfering with such warlike preparations. For the duties of self preservation do no less dictate precaution against imminent dangers, than resistance against actual attacks. And it was upon this principle, that the British in the well known case of their attack upon the Danish fleet, rested their justification. *(b)*

Should the United States enter into an alliance offensive or defensive, with any foreign state, by which this nation should stipulate to engage, with a part or all of its force, in any offensive or defensive war, in which its

(a) Burlamaqui's Principles of Natural and Politic Law, part 4, chapter 2, XI.

(b) Vattel's Law of Nations, book 3, chap. 3, sec. 42, 43.

ally might be engaged, this country would be justified, in taking arms, in concert with such an ally, in any just war, in which such ally might be involved. So, if the alliance were defensive only, we should, for a like reason, be bound to co-operate with our ally in any just defensive war, in which he might be engaged. (a)

Eminent writers, however, have disagreed upon the question, whether the stipulations of an alliance are sufficient to justify a nation, in engaging in an unjust war. And Mr. Hamilton seems to think, that in case of a defensive alliance, when war is made upon one of the allies, it is the duty of the other to fulfil the conditions stipulated, without inquiring, whether the war is rightfully begun or not. "This doctrine," he says, "is founded upon the utility of clear and certain rules for determining the reciprocal duties of nations, in order that as little as possible may be left to opinion and the subterfuges of an over refining and unfaithful casuistry." (b)

But, it will be difficult after all, to recon-

(a) Vattel's Law of Nations, book 3, chapter 5, sec. 59.

(b) Pacificus, No. 2.

file this reasoning with the broad and noble principle which forbids every nation, and particularly a republic, from engaging in any unjust war. Indeed, the reasoning seems to rest on motives of expediency; and it is difficult to perceive, how any argument, resting on grounds of this kind, can render that right, which is wrong in the very nature of things.

If the United States are engaged as the ally of another nation, and that nation is engaged in a war, manifestly unjust, this country, by taking a part in that war, participates in the injustice of its ally. It will be in vain to say, in a case of this kind, that it is the duty of the United States to presume the cause of its ally just; for this would be a disingenuous method of winking out of sight, the real character of the controversy.

Besides, all valid contracts are made for lawful purposes, and a contract made between two nations for the purpose of depriving a third of its lawful rights, is manifestly illegal, and of no binding effect in respect to the laws of nations. Hence, an ally claiming from us stipulated succours, in a war manifestly unjust, may be fairly answered, that we have no treaty which obliges us to comply.

with such claims : since no treaty, on earth, can oblige us to give aid and assistance to any unlawful and unjust enterprise. These remarks, though in opposition to a very high authority, are nevertheless, in coincidence with the opinions of many eminent writers, and they tend to establish the conclusion, that the United States cannot, in case of any alliance, be justified in taking a part in any war, manifestly unjust.

But, although it is the unquestionable attribute of sovereignty to judge of the proper occasions, for acting in the national defence, or in the fulfilment of alliances : yet in cases of doubt, the stipulations of treaties ought to be performed.

It would be useless, however, to discuss at large, in this place, what are, and what are not, just and proper causes of war ; as it would be difficult to anticipate the various causes which may occur. It will be sufficient however to remark, the grand and general principle, that wars ought to rest for a justification upon justice and necessity. But, whenever it becomes just and necessary for a nation to vindicate its rights, or possessions, by the sword ; when negociations have failed, and every friendly effort has proved a

tive, the national councils are justified in appealing to arms. And this appeal, undoubtedly ought to be made, the moment the country is in a proper situation to commence hostilities.

Whenever, therefore, it may be the duty of the United States to declare a war against any nation, under the circumstances supposed, it is the duty of every good citizen, to afford his hearty concurrence in the measure, and to contribute every thing in his power, in aid of the righteous cause. In a war of this description, a brave and highminded people will think little of the hardships, incident to a belligerent condition, in comparison with the value and importance of the rights, in defence of which the sword has been drawn. But they will persevere to the end, humbly relying on the arm of a just and wise Providence, for aid and assistance.

ESSAY IV.

OF THE MANNER IN WHICH WAR OUGHT TO BE CONDUCTED.

IN this essay it will be needless to discuss the general rules and usages of war establish-

ed among all civilized nations, for regulating the conduct of one belligerent towards another. These are sufficiently familiar to all those, whose duty it is to understand, and practice upon them. The present design is merely to notice some of those duties, which a nation owes to itself, in the prosecution of a war; as well as some of those sentiments, feelings, and principles, which ought to influence every individual concerned in the prosecution of hostilities.

I. Whenever it becomes just and necessary for the United States to declare a war against a foreign state, or whenever a foreign state, declares war against us, the contest, on our part, should be conducted, with the utmost energy and vigor.

King William III. a monarch by no means remarkable for vivacity, remarked to some of his officers, who proposed cautious measures to him, immediately before the battle of the Boyne, that he did not come to Ireland to let the grass grow under his feet. A remark truly characteristic of a spirited and industrious general.

The great Frederick, of Prussia, has been justly celebrated for his indefatigable activi-

ity and resource in war; to which may be attributed the successful stand he made against a host of powerful enemies, during the war of 1756. But, no general of ancient or modern times, has been more distinguished for sudden movements, and celerity of execution, than the rapid Bonaparte; and to these, many have imputed his unexampled successes.

Indecision of mind, and tardiness of movement, either in a general or admiral, are, of all things, the most reprehensible. Dilatory and inefficient operations in war, are always characterized by a barrenness of achievement; and among the consequences of them may be foreseen an absence of spirit and discipline in the troops, and a want of confidence on the part of the people, in the operations of the fleets and armies of the nation.

But naval and military officers are not to be censured if they avoid skirmishes and engagements, when the forces under their command, are inadequate to cope with the enemy. Thus our illustrious Washington, during the war of the revolution, from the inferiority of his own forces, thought it wise and prudent, on many occasions, to avoid actions.

But, to know when to fight, and when to decline the combat, is the peculiar business of the commander. And, he must not only know this, but in action, he ought to know, in an instant, how to push an advantage and how to lessen the effects of misfortune.

This quickness of perception in the general, is all important; for it will not answer any good purpose for him, in the hurry and bustle of an engagement, to be debating within himself, like Hudibras, whether this or that is the best course to be taken, to ensure him success. A process of reasoning of this kind will beget nothing but doubt, uncertainty, and indecision of mind; and while he is puzzling, within himself, after a correct opinion, the battle will be lost.— Whenever an officer has time to reflect, however, upon what will probably be the best plan for him to act upon, in an anticipated engagement, it is his duty to improve such an opportunity to the best advantage; but, no quality, it is conceived, is more shining in a commander, than a ready and quick discernment of the best expedients, in the hour of action.

It is this quality which is denominated the *coup d'œil*; and without it no man can be

a great general or admiral. The commander who is destitute of this characteristic, may be a good officer, at a deliberate council of war; or an excellent *Martinet*; (a) but he never can be a safe man to lead the forces of his country into battle.

The subordinate officers, soldiers, and seamen, in the navy and army, ought to discharge, with diligence and regularity, their various incumbent duties, and to execute, at all times, with exactness and dispatch, the lawful orders of their superiors.

“A subordinate officer,” says lord Mansfield, “must not judge of the danger, propriety, expediency, or consequence of the order he receives: he must obey; nothing can excuse him but a physical impossibility. A forlorn hope is devoted—many gallant officers have been devoted. Fleets have been saved, and victories obtained, by ordering particular ships upon desperate services, with almost a certainty of death or capture.” (b)

(a) The term *Martinet*, during the revolutionary war, was applied by gentlemen of the army to every good *disciplinarian*; probably from the circumstance, that an officer by that name, during the time of Louis XIV. greatly improved the drill of the French army.

(b) Vol. I. Durnford and East's Rep. 546.

But, whenever it happens, that the orders of their superiors are of a discretionary character, they ought to call to their aid the best exercise of their judgments. In this case, whether the operations of the fleet or army fail or not; whether victory or defeat is the result of their efforts, those, in subordinate stations, will be exonerated from blame and censure, and the commanders in chief alone remain responsible.

But although we may have excellent commanders in our navy and army, in time of war, and under them good officers, seamen, and soldiers; no good purpose will be answered; unless the navy and army be well equipped with arms, provided with military stores, and sufficiently supplied with provisions and clothing. Government, and the officers under it, whose duty it is to see such supplies regularly and promptly furnished, should be particularly careful, that there is no deficiency, in any of these important particulars.

The medical and chirurgical departments, in the fleet and army, claim likewise, in time of war, the strictest attention. Not only scientific and skilful physicians and surgeons are requisite, in well ordered military and naval establishments, but neither medicines,

conveniences, or comforts for the sick and wounded should be wanting.

The cleanliness of soldiers and sailors, both in dress and quarters, also deserves the attention of their officers ; for a want of exactness in these particulars is often productive of disease, and renders men slothful and unambitious.

A vigilant attention to all these various and important particulars, is incident to the superintending care of a wise and provident government, and may be ranked among the duties, which every nation owes to itself, in time of war.

II. In the management of war both officers and men ought to recollect that they are human beings ; and that they cannot be justified in carrying hostilities a step beyond the necessity of the case : and, having accomplished, by force of arms, or otherwise, the object they had in view, their humane and benevolent feelings will be happily displayed, in attentions to the wounded, and in kind and friendly offices to the vanquished.

In the year 1760, while some British and French troops were hotly engaged against each other, in the streets of Carrickfergus, a little child ran from the arms of its mother,

directly between the fire of the combatants. At sight of this, a French soldier, touched with compassion, at the situation of this thoughtless innocent, but regardless of himself, advanced deliberately between the lines of fire, and taking the child in his arms, restored it to a place of safety, resumed his post, and renewed his hostilities. (a) This was an act of heroism ! an example worthy of the highest praise !

The virtuous, polite, and brave Sir Philip Sidney, who was slain in the low countries, contending for the liberty of the Dutch, against the Spaniards ; as he lay on the field of battle, mangled with wounds, was offered some water from a bottle ; but observing a soldier, who lay near him severely wounded ; this man's necessity, said he, is still greater than mine ; and declined the refreshment, in favor of his wounded companion. (b)

Instances of this kind cannot fail to produce a happy effect upon the sentiments and feelings of military men.

Indeed, there is nothing in the character

(a) An anecdote, related by Smollet—vide his History of England, book 3, chapter 3, section 14, in a note;

(b) Hume's History of England, reign Elizabeth, Vol. III. page 135.

of a military man, more admirable, than a combination of fortitude, bravery, and humanity. In a manuscript poem, written several years ago, entitled Bunker's hill, the author takes occasion to represent this combination, in a very energetic manner, through the medium of old General Pomroy, who was the hero of the piece. A few days previous to the battle of Bunker's hill, a celebrated proclamation was issued by General Gage, offering pardon in the king's name, to all the provincials who would lay down their arms, with the exception of the illustrious and venerated Samuel Adams and John Hancock. In allusion to this fact, the poet describes the arrival of messengers from General Gage, at the marquee of General Pomroy, with offers similar to those contained in the proclamation. These terms, however, being inadmissible, the conference is broken off; but not without a request, on the part of the venerable and brave Pomroy, that the British missives would inform their general, that the Americans were a brave and generous people, who would not quietly submit to tyranny and oppression. In the course of his remarks to them, with an hon-

est and manly pride, he observes to them, in the language of the poet :

Tho' eighty winters bleach this hoary head,
My nerves are firm, nor are my spirits fled.
Tell him 'twas I the gallic phalanx broke,
And fell'd brave Deiskaw, with a single stroke.
This arm which smote him, 'mid the rage of fight,
Pillow'd his head and spread his coverings light ;
And now this dirk, recalls the mournful day,
When in deep swoons, he breath'd his life away. (a).

Those military gentlemen, (and there are many such) who possess the courage, constancy, and humanity, depicted in these lines, may be safely relied on by their country, to advance its interest, but they will never tarnish its honor. They will, like the brave Caillemote, the friend and companion in arms of the venerable Duke of Schomberge, in the last moments of life, encourage their advancing troops, and cry *a la gloire mes enfans ; a la gloire !* *

Every body has heard of the chevalier Bayard, so remarkable for his strict honor, gallantry, and humanity, as a military man, that he was distinguished, by his cotempo-

(a) From the pen of the late James Allen, Esq. formerly of Boston, a gentleman of great eccentricity, but of unquestionable genius.

* To glory my lads ; to glory !

raries, by the appellation of "*the knight without fear and without reproach.*" In 1524, this general was mortally wounded, at the head of the French Troops, while resisting an attack made upon them, by the Duke of Bourbon and the Marquis de Pescara. Finding it impossible to remain any longer on horseback, the Chevalier ordered himself to be placed under a tree, with his face to the advancing enemy. In this situation he addressed his prayers to God, as became a soldier and a christian awaiting the approach of death; and while thus employed, he was perceived by the Duke of Bourbon, who was in the act of leading the Imperial troops to the slaughter of his own countrymen.— But, rebel as he was, he expressed many regrets at the sight of the unfortunate Bayard. "Pity not me" cried the high spirited Chevalier, "I die as a man of honor ought, in "the discharge of my duty: They indeed "are objects of pity who fight against their "King, their country, and their oath." (a)

The cultivation, among our military and naval men, of such high minded and generous sentiments, will invigorate the opera-

(a) Robertson's History Charles V. book 3, towards the end.

tions of war, and give unfading lustre to the arms of America. Inspired with magnanimous courage, every individual will despise disreputable actions, and discipline will be invigorated by a wide diffusion of honorable principles, tempered by humanity.

We hasten to conclude the observations which have been offered, upon the conduct of war, with a paragraph from Dr. Smollet's history of England.

“War,” says the Doctor, “is so dreadful “in itself, and so severe in its consequences, “that the exercise of generosity and compas- “sion, by which its horrors are mitigated, “ought ever to be applauded, encouraged, “and imitated. We ought, also, to use our “best endeavors to deserve this treatment “at the hands of a civilized enemy. Let us “be humane, in our turn, to those whom the “fate of war has subjected to our power: “let us, in prosecuting our military opera- “tions, maintain the most rigid discipline “among the troops, and religiously abstain “from all acts of violence and oppression. “Thus, a laudable emulation will undoubt- “edly ensue, and the powers at war vie with “each other in humanity and politeness.” (a)

(a) Smollet's His. of England, book 3, chap. 8, sec. 50.

ESSAY V.

OF TREATIES AND THEIR VARIOUS KINDS, AND
OF THE PROVISIONS OF THE FEDERAL CON-
STITUTION IN RELATION TO THEM.

PEACE is the end of war, and the stipulations entered into, between two or more nations, respecting the terms upon which peace is to be established, are denominated a treaty of peace. Besides treaties of peace, there are, also, commercial treaties, which generally suppose a state of tranquility between the contracting parties, though sometimes limited compacts of this sort are observed by parties, actually in a state of war with each other. There are, also, treaties made, exclusively, with a view to war, and these are denominated alliances, by which the parties engage to furnish to each other aid and succor in cases of attack. Such was the treaty, concluded by Queen Elizabeth with the Dutch, the better to enable them to contend for their independence, against the tyranny of Philip II. and the Duke of Alva. And such was the well known treaty, concluded by Doctor Franklin with France, in the year 1778, guaranteeing the independence of the United States of

America. In addition to these, there are, also, treaties of cession, and treaties of neutrality. Of the former kind, was the treaty made between this country and France, ceding Louisiana to the United States; and of the latter kind are those, whereby two nations, in view of some existing or expected war, between other powers, contract to remain neutral, in regard to such contest; or by which, one of the contracting parties engages to remain neutral, in relation to the wars of the other. Of the latter kind was the convention between the French Republic and the King of Prussia, concluded in 1795, having for its object, the neutrality of the north of Germany.

Treaties are, also, distinguished into *real* and *personal*, *equal* and *unequal*, and are sometimes denominated agreements, conventions, &c. But, as these distinctions and differences are of little or no importance, in relation to the subject proposed, we hasten to consider the effect of the provisions, of the federal constitution, in respect to the treaty-making power.

Sir William Blackstone, in his commentaries upon the laws of England, observes,

that "wherever the right resides of beginning a national war, there, also, must reside the right of ending it, or the power of making peace." This opinion, though well enough, as it forms a part of Sir William's panegyric upon the British constitution, is, as a general proposition, manifestly incorrect. In the time of Charles XII. King of Sweden, the Swedish kings had the power, as in England, of making war and peace; but after Sweden had been involved in needless and cruel wars, by her royal madman, the constitution of the kingdom was wisely altered, in such a manner, as that the King could not declare war, without the consent of the states, assembled in diet; though he had authority to make peace, in conjunction with the senate. Other instances, in opposition to the theory of Judge Blackstone, might be mentioned; but our own constitution furnishes the best refutation of the incorrectness of his maxim, as a general theorem, in polity.

With us, the power of declaring war, rests in the Congress of the United States; but the treaty making authority is delegated to the President, who exercises it, in concurrence with two thirds of the senate present.

The execution of the authority thus established, undoubtedly, requires great skill and fidelity ; and hence, it has been wisely confided to those departments of the government, where the greatest share of experience, wisdom, and decision, is supposed to reside. The wise men, who framed our federal constitution, readily foresaw, that however well many individuals might be skilled, in the ordinary affairs of legislation, it was not every one, who would have a knowledge of all the foreign relations and interests of his country, and of the vast and intricate ramifications of commerce, sufficient to render him a ready and competent judge of the advantages or disadvantages of a treaty. Subscribing, therefore, to the wisdom of our constitution, in this respect, a moment may be usefully employed in inquiring into the extent of the treaty making power, established by it.

The authority delegated to the President and the Senate, for the purpose of making treaties is given in general terms and without limitation or restriction ; but this power, it is believed, is in a degree limited and controlled, by the very nature of the Federal Compact, and a fair construction of the constitution. In the first place nothing is plainer

than that treaties stipulating directly or indirectly the expenditure of money, can have no practical effect, without the consent of Congress ; and it is equally apparent, that the provisions of a treaty of alliance with any foreign power, the performance of which, would involve the United States in a war, with a foreign State, would be completely inoperative, without the approbation of the national legislature. For unless this be true, it will follow, that the President and Senate, in the exercise of the treaty making power, notwithstanding the express provision of the Constitution, can in some cases, divest the legislature of the right to grant monies and to declare war. And since this cannot be, for a moment, supposed, it results, that treaties of this description cannot take effect without the concurrence of Congress.

In Europe among Sovereigns both territories and subjects have been articles of traffic and barter from time immemorial, and nothing is more common than to embrace in treaties, cessions and transfers of both. But, can the President of the United States, two-thirds of the Senate concurring, make a treaty ceding any part of the territory of the respective states, or of that belonging to the U. States ?

The Constitution of the United States, being a grant of power from the several states to the United States, it necessarily results that all authority not expressly delegated by that instrument, or conferred by a reasonable construction of it, is reserved to the several states. But, in regard to the powers actually delegated, the federal government is supreme ; the treaty making power is expressly delegated to the President, of the United States, to be exercised in concurrence, with two-thirds of the Senate.

So far therefore as the treaty making authority is concerned, the President, with two-thirds of the Senate seem fully competent to exercise the national sovereignty.

And Vattel says, “if the nation has conferred the full sovereignty on its conductor, it has committed the care of it to him, and has, without reserve given him the right of treating or contracting with other states, it is considered as having invested him with all the power necessary to make a valid contract. The Prince is then the organ of the nation, what he does is reputed done by itself, and though he is not the proprietor of the public property, his alienations are valid, as being duly authorized.”

But notwithstanding all this; and altho' it is true, that as to the treaty making power, the constitution has in general terms conferred the exercise of sovereignty upon the President and Senate; yet the very nature of the federal compact, as well as a reference to other parts of the constitution negative the idea of any power residing in the President and Senate competent to the transfer of the lands of the states or of the United States.

In the first place the Federal constitution is nothing more than a compact entered into by several independent sovereignties for their mutual welfare, and for the security of their liberty and that of posterity, and upon general principles no power can be implied in such a contract, which would authorize the partial or total exclusion of any of the contracting parties from the benefits of the agreement. And yet such would be the effect of the constitution, were it admitted that the President and Senate in the exercise of the treaty making power, had authority to cede or transfer the territory belonging to any of the states to a foreign power. But there is no necessity of resorting to general principles and rules of construction to settle the question before us, since there are sever-

al clauses in the constitution which are totally incompatible with the existence of any such authority in the President and Senate.

The constitution declares that the citizens of each state shall be entitled to all the privileges and immunities of citizens of the several states, and, also, that the United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion. A treaty, therefore, which should transfer any portion of the territory or citizens belonging to any of the states, would contravene these solemn constitutional provisions and guarantees: But finally, it is evident from another clause of the constitution, that the United States have no jurisdiction over any of the territory of the respective states, except it be, by the grant and concurrence of the state, where such territory may be. If therefore the United States cannot appropriate to themselves a jurisdiction over any part of the territory of the respective states, which may be necessary for the seat of government or for forts and arsenals, surely there is no power in the President and Senate to transfer any of the state territories by treaty.

The remaining part of the question, con-

cerning the authority of the President and Senate to dispose of the territory belonging to the United States seems to be equally clear against such authority upon constitutional grounds, inasmuch as the constitution declares that the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory of or other property belonging to the United States.

From the preceding remarks it results that the treaty making power conferred upon the President and Senate, is, at least, so far limited as not to include an authority to dispose of either the land, the money, or the blood of the country.

ESSAY VI.

OF THE EXERCISE OF THE TREATY-MAKING POWER, AND OF THE DUTY OF THE PEOPLE IN RELATION TO IT.

THE authority of the President and Senate in regard to the treaty-making power, having been examined, in the preceding chapter, with a view more particularly, to some of its restrictions and limitations, we come next to consider the duty of the Ex-

ecutive and Senate, in the exercise of this authority.

To undertake to discuss a matter of this importance, in relation to the numberless cases which may possibly occur, in the progress of this branch of our civil administration, would, not only be a fruitless, but an endless task ; all that will be said, therefore, under this head, will consist in some general reflections, relative to the exercise of the treaty-making power.

He, who has taken the pains to read the preceding numbers, with any degree of attention, will not fail to recollect that the duty of government to cherish and preserve honorable peace, has been earnestly inculcated.

In the previous chapter, it has been, likewise, remarked, that a war, which in its origin might have been just, may become unjust, by a refusal on the part of the injured nation, to harken to reasonable terms of accommodation.

“The love of peace,” says Vattel, “should equally prevent the beginning of war without necessity, or continuing it when this necessity ceases. A sovereign, who, for a just and important cause, has been obli-

" ged to take arms, may push the operations
" of war till he has attained its lawful end,
" which is to procure justice and safety." (a)

Whenever, therefore, a war has produced, on the part of the enemy, a disposition to treat with us, upon a basis ensuring justice and safety ; such a disposition ought to be met, in a spirit of reconciliation.

But from this, it is not to be understood, that a nation is to stop its warlike operations, the moment it has accomplished the original object of the contest ; because, it may be justified, in going beyond this point, with a view, not only to its future safety, but to its present indemnification.

If, for instance, an enemy, without provocation, should invade one of the states in our Union, and by force of arms, take possession of it; it would be the duty of the federal government to expel the enemy, from the invaded territory, at all events ; and having done this, at a considerable expense of blood and treasure, the original object of war, on our part would be accomplished. But the question would then present itself, whether it would be the duty of the United States, to stop the war at this point. In a case of

(a) Vattel's Law Nations, book 4, chapter 1, section 6.

this kind, it would readily be perceived that other causes of war had associated themselves with the original cause, in the progress of hostilities; and among these, would be discerned the claim for the expense and damage resulting from this unjustifiable invasion, as well as for security, against any future violations of our territory. And, unless the enemy should be willing to treat with us, acknowledging the propriety of such demands, as a basis of negotiation, the nation would be justified, in respect to the enemy, in continuing the war, until complete justice could be obtained.

Vattel remarks; that "a state taking arms, " in a just cause, has a double right against "the enemy. First a right of putting itself "in possession of what belongs to it, and "which the enemy withhold; and to this "must be added the expenses, incurred to "this end, the charges of the war, and the re- "paration of damages. For, were the nation "obliged to bear these expenses and losses, "it would not fully obtain what is its due, "or what belongs to it." (a)

But however just these principles may be, in the abstract, they cannot always be en-

forced in practice, without a deviation from discreet policy. Indeed, it will sometimes happen, that a nation may leave out of view, with honor and advantage to itself, such secondary causes of war, in a treaty of peace: for it is with nations as it is with men; they must make the best bargains they can, under all the circumstances of the case, taking care never to sacrifice their honor, or their essential rights. And it may be frequently better for them, having accomplished the leading object of the war, to relinquish a part, or all of their just claims to an indemnification, for the sake of a compromise of difficulties, rather than persevere in a conflict, the issue of which is always, more or less uncertain.

For an easy illustration of these remarks a reference may be made to a discussion, which took place in the English Parliament, in relation to the peace of Paris, concluded in 1762, a peace which ended the war, begun with the French, about the British possessions in this country; commonly called by the people of New-England the old French war. Although this was a brilliant and fortunate war for England and her colonies; and although by the peace the British obtained a considerable accession of strength and wealth,

including among other things the quiet possession of Canada and Nova Scotia, and all the territory north of the Ohio, which had been previously claimed by the French; yet Mr. Pitt, afterwards the Earl of Chatham, insisted, that the peace was dishonorable and disadvantageous to Great-Britain: He asserted, that Great-Britain ought to have retained an exclusive right to the New-Found-land fisheries, and to all her conquests from the French, in the West-Indies, as a permanent security for future peace, and as an indemnification for the expenses of the war.

But, the adherents of the Ministry, on the other hand, considered the cessions made by France, under all the circumstances of the case, an adequate indemnification for the expenses of the war, and a sufficient security for future tranquility. They likewise regarded the points, which the opposition had proposed to contest, not of sufficient importance to justify the continuance of hostilities.

But desirable as a peace may be to a Republic, rulers ought never to suffer themselves to be entrapped, by insincere negotiations for a treaty; the only object of which

(a) Bissett's life George III. Vol. I. chapter 3.

on the part of the enemy, is to gain time to enable themselves to prosecute the war more effectually. To exemplify the dangers which are frequently concealed under diplomatic artifices of this character, an historical anecdote may not be amiss. When the English were at war with the Dutch in 1667, Lord Hollis and Henry Coventry, were dispatched to Holland to negotiate a treaty of peace; and on their arrival, proposed a suspension of hostilities. Owing to the influence of one of the Dewitts, the proposal was not acceded to; but the negotiations were artfully protracted, by the Dutch, who, in the meantime, were secretly making great naval preparations, for a decisive blow against the English. It does not appear, that the British envoys suspected the intentions of Dewit, until he suddenly sailed into the British Channel, took Sheerness and burnt and sunk many valuable ships of the British fleet; besides spreading a scene of uproar and confusion among the English on shore. (a)

To detect the wiles of diplomacy, unquestionably requires quick discernment, deep penetration, and great caution and address. But whenever there is reason to believe, the

(a) Hume's History of England, reign Charles II.

overtures for peace sincere, they ought to be met with a corresponding disposition, and no time should be lost, in settling the basis of a fair and honorable pacification. Trifles ought to give way to so desirable an event ; nor ought the interests of mankind to be sacrificed to too rigid an adherence to the forms and punctiliois of diplomatic etiquette.

Treaties of alliance, in which the contracting parties engage to take a part in each others wars, by furnishing supplies of troops and money, have been very common in Europe ; and perhaps, they have frequently answered, a beneficial purpose there, by enabling small states to combine for mutual defence, against larger ones. But owing to the happy peculiarity of our situation, in respect to other powers, we can foresee but little need of such alliances to the United States, for the purposes of territorial protection. Perhaps, however, it would be going too far to say, that such alliances, stipulating naval succors, in case of any improper interference with the commercial and maritime rights of the allies, would be useless to the United States. At any rate, when the case is foreseen, in which a co-operation of our naval force, with that of some other state, may be deemed expedi-

ent for mutual protection, against any unjust attacks upon our maritime rights, the reputation of our naval heroes for valor and skill will facilitate the coalition.

It is a duty incumbent upon every government, of vast importance, to maintain with all foreign states the most friendly relations; and with this view, to establish with them treaties of amity and commerce, upon bases of reciprocal interests. Such arrangements lessen the chances of war, and render it the interest of nations to remain at peace with each other.

In regard to the treaties of cession, the President and Senate, have authority, to conclude such as embrace the cession to us of territory from other nations. A judicious exercise of this authority, may be exceedingly beneficial to this country.

An impartial neutrality, on the part of this country, in regard to other belligerent powers, can seldom prove inconsistent with its interest or honor. Any treaties therefore, having this public relation in view, will be generally found, within the scope of an enlightened and wise policy. President Washington's declaration of neutrality, issued in 1793, was in pursuance of a discreet

and dignified policy, of this character ; and however much this declaration was opposed by many good and upright citizens ; time has demonstrated, beyond all controversy, the foresight and wisdom of the measure.

While it is the duty of the government to make, when practicable and necessary, treaties of peace, of commerce, of alliance, and all other useful compacts ; it is no less its duty to observe the stipulations of such engagements, with punctuality and fidelity : All treaties, when regularly concluded, become a part of the laws of the land, and as such are to be observed and executed by the President and all other officers, of the state and Federal governments.

Should we look into the history of diplomacy ; perhaps we shall be inclined to think with Helvetius, that there is no such thing as probity, in relation to the world in general ; and further, that nations have a code of moral principles, to be applied, in their intercourse with each other, altogether different from the system of ethics in practice with them at home. It is the duty of nations however, and of republics in a particular manner, to adhere to the maxims of strict justice, in the management of their external, as well as

their internal concerns. If utility alone was the standard of morals, and the criterion of justice, it would be sufficient to recommend to nations an adherence to the dictates of honor and good faith, in the management of all their concerns. But the Divine mind, fraught with benevolent dispositions towards the human race, will view, with an eye of favor, that nation, which submits itself to the guidance of justice, in its intercourse with the rest of his intelligent creatures.

The rulers and governors of mankind are not only under a deep responsibility to their constituents and subjects, for the justice and fidelity of their conduct, but they are under a positive obligation to God, to superintend the moral concerns of his creatures, in a spirit of justice and benevolence.

If such are the obligations of rulers, to act in the discharge of their respective trusts, with justice and honor; their constituents surely ought to be extremely careful, lest any of their conduct should cause the justice and honor of government to be suspected.

In obedience to this dictate of reason and patriotism, the citizens of a republican state should never suffer the allurements of private

interest, or the persuasion of dishonest speculations, to contravene the compacts and agreements of their country. A conduct of this kind, when perceptible in various instances, is apt to beget abroad, suspicions of the good faith of the nation, and may be productive of unhappy consequences.

Finally, while it is the duty and privilege of each member, of a free commonwealth, to indulge a spirit of inquiry, in regard to public men and public measures; every one should be careful, in respect to treaties, in a particular manner, never to yield opinions to the guidance of party spirit. In regard to these important measures, the people ought to think dispassionately, on account of the difficulty necessarily attending a proper estimate of their merits.

ESSAY VII.

REMARKS IN RELATION TO PUBLIC MINISTERS.

AS we have spoken of treaties, it will not be irregular in this place to bestow a few remarks upon public ambassadors and ministers.

It would be needless, however, to give a

very special and detailed account of the various characters, powers, rights, and immunities of this description of public functionaries : a short and general view will better coincide with the main design of these essays.

An intercourse among the different nations of the world, requires the agency of ambassadors and envoys : peace cannot be restored, nor treaties made, without the intervention of these functionaries. Hence it is, that the persons of these public ministers are always considered sacred, so long as they continue within the pale of their official duty.

In the time of Charles V. the imperial general the Marquis de Guasto, caused Rincon and Fregoso, the ambassadors of Francis I. King of France, to be murdered as they descended the river Po, towards the places of their destination ; and the deed, so palpably in violation of the laws of nations, excited every where, great indignation.

But though it is agreed on all hands, that the persons of ambassadors are inviolable, yet this inviolability, will not permit or suffer them to perpetrate crimes of an enormous character, with impunity.

In the time of Oliver Cromwell, a Spanish ambassador, by the name of Don Pantaleon

Sa, fancying himself insulted, barbarously murdered an English gentleman on the exchange, and then attempted to shelter himself under his official privileges. But Oliver Cromwell had too much vigor of mind to permit the outrage to go unpunished, and accordingly the ambassador was seized, tried, and hung.

This conduct of the Protector, has been supposed by some to be a violation of the laws of nations; but, at any rate, it was generally approved of throughout Europe, and it has been subsequently sanctioned by Hale and Foster, eminent lawyers in England.

In the appointment of public ministers, care should be taken to select men of coolness, industry, learning, and penetration; and in addition to these qualifications, our ambassadors and envoys, should be men of sterling integrity and firmness.

In regard to integrity and firmness, there is an interesting story told of the Roman Fabricius. Fabricius was extremely poor, but a man of great probity; and being sent ambassador to Phryrus, was received by him with particular marks of distinction. Phryrus made him an offer of gold, not in shape

of a direct bribe, but as a friendly present ; the Roman however refused the proffer.— Phryrus, being desirous also of making an experiment upon his nerves, and knowing that he had never seen an elephant, concealed, the next day, the largest one he had, behind a curtain in a room where they were to be in conference. Suddenly the curtain was drawn aside, and the elephant, armed in the most warlike manner, circulated his trunk over the head of Fabricius, with a horrible noise. The Roman ambassador, without manifesting the least discomposure, said to Phryrus with a smile, “ neither your gold “ yesterday, nor your beast to-day, has made “ any impression upon me.”

We have already remarked, in the preceding essay, that it requires discernment and penetration to detect the wiles of diplomacy : a deep insight into human character is no less important to enable ministers to negotiate with success.

A French and Spanish ambassador, who met for the purpose of negotiating some important treaty, fell into a familiar conversation, previous to entering on the discussion of the weighty topics, which they were met particularly to consider.

During this confabulation, his Spanish Excellency took occasion to remark, that the pen which he held in his fingers, was the only instrument which he had employed for twenty years past, in writing all his dispatches. As this important piece of information, was communicated with an air of great self-approbation, the Frenchman affected a degree of admiration at the wonderful attention bestowed, by the Spanish minister upon matters, apparently so unimportant, but which, as he said, were of great importance in every general scheme of private or national economy. This artful reply flattered the foible of the Spaniard, while the French minister inwardly remarked : if the nobleman with whom I have to negociate, attaches so much importance to things, so unimportant, his views of great and important affairs will be limited.

Ambassadors and public ministers ought also to be good logicians ; in order, that they may, in their diplomatic correspondences, " stick to the point," as the phrase is, and make their opponents do the same. Nothing, surely, can be more disagreeable in the eye of a man of sensc and true taste, than that manœuvring stile of involution and ambi-

guity, which sometimes characterizes diplomatic communications. It is in opposition to all the rules of just criticism, and corresponds better with the character of a pettifogging lawyer, than with that of a high minded minister, to whom is confided the important interests of a great nation.

It is not, however, to be expected that diplomatic agents are to carry their hearts upon their sleeves, and to let their adversaries into a knowledge of all their views and purposes: but they ought to be so prompt and explicit, as to test the sincerity of those with whom they correspond, as to prevent evasions, detect subterfuges, and counteract procrastination.

In addition to ministers charged with the negotiation of treaties and other special missions, there are resident ministers, *Charge des affaires*, Consuls, &c. the object of whose appointment is, to cultivate and preserve a good understanding between nation and nation; to watch over the commercial intercourse existing between them; and to facilitate the business transactions of their countrymen, at the port where they reside. So great is the care which commerce deserves, at the hands of the government.

ESSAY VIII.

OF EMBARGOES AND COMMERCIAL RESTRICTIONS.

BY the Constitution of the United States, "Congress have power to regulate commerce with foreign nations, among the several states, and with the Indian tribes." From this clause is derived the power of imposing restrictions, either total or partial, upon the sailing of vessels from our ports, for a certain time, and of enacting non-importation and non-intercourse laws, and other commercial regulations.

It has been contended, by many very able and enlightened men, that a perpetual embargo, in this country, would be an unconstitutional measure, amounting to an annihilation, instead of a regulation of commerce. And there can be no doubt of the truth of this, considering it as an abstract position; inasmuch, as a perpetual embargo would deprive the citizens, of this country, of a portion of those national rights, which they never could surrender, consistently with the spirit and principles of a free constitution. But an

embargo, though technically perpetual, must in fact, under our existing government, always be a temporary expedient.

According to a strict legal principle, all laws which do not express the times of their duration, or contain some clause, providing for their repeal, are denominated among lawyers, perpetual laws: and although in this country laws of this description, may be always at the will of the people, they are nevertheless liable to well founded objections.

By a law which is technically perpetual, however just and proper may be its objects, the interests of the people are placed too much at the will of either branch of the national Legislature; and too much at the will of the President alone, in cases where two-thirds of the Legislature refuse to concur to repeal it. According to our federal constitution, the passage of a law requires the concurrence of the President, Senate and House of Representatives; unless two-thirds of the Senate and House concur. Hence, in cases of laws which do not limit their own duration, new and distinct laws are necessary to effect repeals of them: and as the passage of such laws, may be obstructed, by either branch of the Legislature, it would seem to follow,

that the interests of the people are placed too far beyond the reach of the great body of their representatives, by laws technically perpetual.

The practice of legislation will generally be much more consistent with the principles of our constitution, if the continuation of great and important laws, is made to depend upon their reenactment, from time to time, rather than upon the repealing power of the Legislature : for where the reenactment of a law is made necessary to its continuance, it will require the concurrence of the three branches of the Legislature to continue its existence ; but where the law cannot be made to expire, unless the Legislature exercises its repealing power, one branch of the Legislature alone can keep the law in existence, in opposition to the other two.

In a nation so essentially commercial as the United States, a measure which suspends all commercial enterprize, for an unlimited time, must be productive of serious consequences to the great body of the people.

Merchants, seamen, and the inhabitants of cities, generally, must experience, in a particular manner, the privations and embarrassments, incident to such a state of commercial

restriction. And as these consequences will attend a limited suspension of commerce, in a certain degree, it will be acknowledged on all hands, that such measures ought never to be resorted to, unless with a view of averting greater calamities. War is generally considered to be one of the greatest evils incident to a state of civil, or political society ; but it is, by no means the greatest, which can happen to a nation, situated like the United States. Indeed, in this country, where the people are so remarkable for their enterprise, activity, and courage, war must be preferable to a long continued state of commercial restraint, which wastes the property, deranges the habits, and crosses the natural genius of the citizens ; while it may dry up some of the ordinary and customary channels of resource and revenue to the country.

A resort, also, to an embargo, as the only means intended to be made use of, in coercing a foreign power to respect our maritime rights, is no more or less, than a surrender of those rights, to the will and pleasure of such power ; under a notion that our passive and submissive situation, co-operating with the necessities of the nation denying us the com-

mon privileges of mankind, will eventuate in a restoration of those privileges.

But a short temporary embargo, as preliminary to measures of actual resistance, may be often found, a wise and politic measure; which while it leaves the door open for amicable negotiations, on the one hand, gives us an opportunity, on the other, of recalling our ships and seamen from the ocean, and of preparing for hostilities.

This was unquestionably the policy of the thirty days embargo, which took place, during the administration of President Washington. And this seems to have been the original policy of the last embargo law, which took place under Mr. Jefferson's administration, as is evident by the documents of the times. (a)

A non-importation act, which only prohibits importations as the name imports has

(a) In Mr. Jefferson's Message to Congress of December 18th, 1807, recommending the embargo, he plainly develops the objects he has in view, by a resort to the measure. After remarking to Congress, that under existing circumstances, it is of the greatest importance to keep in safety our seamen, vessels, and merchandise, he observes to them, "that their "wisdom will also see the necessity of making every

been usually resorted to for the encouragement of the manufactures and agriculture of a nation, or to countervail the effects of like prohibitions, enacted by other nations. It

“preparation, for whatever event may grow out of
“the present crisis.”

In about two months after this, he again addressed Congress by message (February 26th, 1808) and says, “the dangers to which our country is exposed, “arising from the contests of other nations, and the “urgency of making preparations for whatever events “might affect our relations with them, have been in-“timated in preceding messages to Congress: to “secure ourselves, by due precaution, an augmenta-“tion of our military force, as well regulars, as of “volunteer militia, seems to be expedient.”

Thus again in his answer to the Legislature of New-Hampshire, dated August 2d, 1808: “the “depredations committed on our vessels and proper-“ty on the high seas, the violence to the persons of “our citizens, employed on that element, had long “been the subject of remonstrance and complaint, “when instead of reparation, new declarations of “wrong are issued, subjecting our navigation to “general plunder. In this state of things, *our first duty* was to withdraw our seafaring citizens and “property from abroad, and to keep at home re-“sources so valuable at all times, and so essential, “if resort must ultimately be had to force. It gave “us time too to make a last appeal to the reason and “reputations of nations.”

In one of Mr. Jefferson's last messages to Con-

is what is generally denominated a municipal regulation, and cannot be viewed by foreign powers, as an unfriendly measure, unless under some particular circumstances.

gress, November 8th, 1808, after having remarked, that a submission to the usurpations of France or England, sacrificed a vital principal of our national independence, he continues thus : " Under a continuance of the belligerent measures, which in defiance of laws which consecrate the rights of neutrals, overspread the ocean with danger, it will rest with the wisdom of Congress to decide on the course best adapted to such a state of things : and bringing with them, as they do, from every part of the Union the sentiments of our constituents, my confidence is strengthened, that in forming this decision, they will, with unerring regard to the essential rights and interests of the nation weigh and compare the painful alternative out of which a choice is to be made. Nor should I do justice to the virtues, which on other occasions have marked the character of our fellow citizens, if I did not cherish an equal confidence, that the alternative chosen, whatever it may be, will be maintained with all the fortitude and patriotism which the crisis ought to inspire."

To demonstrate in what light this crisis was considered ; to exhibit the prevailing sentiments diffused by such language as the above, and the measures in which the embargo was about to eventuate, reference must be had to such resolutions as the following,

A non-intercourse act which interdicts both importations and exportations, is a measure of an unfriendly complexion, and generally intended to operate coercively upon which were immediately passed in Congress, with great unanimity, viz.

“ *Resolved*, That the United States cannot, without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great-Britain and France.

“ *Resolved*, That it is expedient to prohibit, by law, the admission into the ports of the United States of all public or private armed or unarmed ships or vessels, belonging to Great-Britain, or France, or to any other of the belligerent powers, having in force orders or decrees violating the lawful commerce and neutral rights of the United States; and also, the importation of any goods, wares, or merchandise, the growth, produce or manufacture of the dominions of any of the said powers, or imported from any place in the possessions of either.

“ *Resolved*, That measures ought to be immediately taken, for placing the country in a more complete state of defence.”

The first and third of these resolves passed the House on the first of December, 1808, without opposition, and the second by a majority of 84 to 21.

As a further confirmation of the views of Mr. Jefferson, concerning the embargo, two other facts will be stated, viz. his declarations to the republicans of Boston, and the non-intercourse act approved by

the foreign state with which it exists, by depriving it of the advantages and benefits of trade. To measures of this kind, it has long been considered that an advantageous

him, on the first of March 1809, three days previous to the expiration of his public life.

In answer to the republicans of Boston, under date of January 14th, 1809, after remarking, that the moment seems likely to be pressed upon us, for exerting the united powers of our country, in repelling the injuries of the belligerents of Europe, he observes, "after exhausting the cup of forbearance and conciliation to the dregs, we found it necessary, in behalf of that commerce, to take time to call it home into a state of safety, to put the towns and harbors which carry it on, into a condition of defense; and to make further preparations for enforcing the redress of its wrongs; and restoring it to its rightful freedom. This required a certain measure of time, which, although not admitting specified limitation, must, from its avowed objects, have been obvious to all; and the progress actually made towards the accomplishment of these objects, proves it now to be near its term."

And last of all, the non-intercourse act of March 1st, 1809, which was deemed by all, the immediate precursor of hostilities. This act provided for its own repeal as well as the total repeal of the embargo, after the then next session of Congress, (which actually commenced in less than ninety days from the passage of the law) after which, if the belligerents

resort might be had, under particular circumstances. They are, however, measures, which should not be too hastily adopted, nor ought they ever to be adopted for light and trivial causes. Indeed, it will readily occur to every one, that by a resort to these measures, for the purpose of coercing a neighbor-

did not relax in their injurious orders and decrees, no alternative remained to the country except war or submission.

In coincidence with these views of the embargo, demonstrated by the President, might be mentioned similar views of it entertained by other members of the government.

It may not be amiss to particularise the opinion of the Hon. John Q. Adams, whose high reputation gives it great weight. In regard to the embargo, in his letter to a highly respectable personage, dated March 31st, 1808, he expresses himself in these words, "its double tendency of promoting peace and "preparing for war, in its operation upon both the "belligerent rivals is the great advantage, which "more than outweighs all its evils."

It would be foreign to our purpose to inquire particularly how far the embargo, answered the purposes for which it was designed, for this would necessarily involve a consideration of more than three years of the administration of his successor, which elapsed previous to the war: the object is only to exhibit proof tending to show the foundation upon which the remark in the text rests.

ing state, we may sometimes derange our own commercial concerns, to a considerable extent; and thus the evil created in this way, may be greater than that, which we aim to cure. But arguments of this kind are only calculated to suggest a proper degree of caution, in a resort to commercial restrictions; and by no means to prevent a recurrence to them upon proper occasions.

Perhaps we cannot conclude better than by remarking that Mr. Hamilton, in his XIth number of the Federalist, deems the power which Congress have to impose prohibitory and restrictive regulations, in regard to commercial affairs, as a very beneficial feature in our constitution.

FINIS

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ERRATA.

Page 32, line 24, for "this," read *the*.
 36, 23, for "eminent," read *imminent*.
 83, in the reference, instead of Essay 8, read Essay 6.
 99, 21, *dele*, "pours," & insert *should pour*.
 141, 10, for "prevades," read *pervades*.
 171, 27, for "superintendure," *superintendence*.
 184, 26, for "can be," read *is*.
 215, 17, for "as," read *are*.
 262, 15, before "future," insert *the*.
 300, 5, for "maintainance," read *maintenance*.
 362, 25, *dele*, "the," & insert *Mr. Jefferson's*.
 There may be some typographical errors besides, which it is not necessary to notice.

District of Massachusetts, to wit,

DISTRICT CLERK'S OFFICE.

BE IT REMEMBERED, that on the first day of June, A.D. 1820, in the forty-fourth year of the independence of the United States of America, ~~WILLIAM C. JARVIS~~, of the said district, has deposited in this office the title of a book, ~~the right whereof~~ he claims as author, in the words following, viz.

The Republican; or, a Series of Essays on the principles and policy of free states. Having a particular reference to the United States of America and the individual States. By ~~WILLIAM C. JARVIS~~, Esq. Counsellor at Law. "But let us not neglect, on our part, such means as are in our power, to keep the cause of truth, of reason, of virtue, and liberty alive."—*Patriot King*.

In conformity to the act of the Congress of the United States, entitled, "an act for the encouragement of learning, by securing the copies of maps, charts and books, to the authoress and proprietors;" such copies, during the times therein mentioned; and also to an act entitled, "an act supplementary to an act, entitled, an act for the encouragement of learning, by securing the copies of maps, charts and books, to the authors and proprietors of such copies during the times therein mentioned; and extending the benefits thereof to the arts of designing, engraving and etching historical and other prints."

JNO. W. DAVIS,
Clerk of the District of Massachusetts,

Isaac Quincy

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